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THE GIFT OF HIS DAUGHTER

ALICE FORBES PERKINS HOOPER

TEXAS CAPITAL c/

A HISTORY
OF
TEXAS and TEXANS

BY
FRANK W. JOHNSON
A LEADER IN THE TEXAS REVOLUTION

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THE UNIVERSITY OF TEXAS

With the Assistance of
ERNEST WILLIAM WINKLER, M. A.
TEXAS STATE LIBRARIAN

**To which are added Historical, Statistical and Descriptive Matter pertaining
to the important Local Divisions of the State, and biographical ac-
counts of the Leaders and Representative Men of the State
in Commerce, Industry and Modern Activities.**

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EDITOR'S PREFACE

For some years before his death in 1884 Colonel Frank W. Johnson occupied himself in collecting material for and writing a comprehensive history of Texas down to annexation. He left his manuscripts to several "literary executors," of whom Judge A. W. Terrell was the last to survive. In August of 1912 the American Historical Society of Chicago asked me to write for them a history of Texas. I was unable to undertake the task and suggested that they publish Johnson's manuscript with editorial additions which would bring it down to date and give the results of research since Johnson's time. They accepted the suggestion and Judge Terrell welcomed the opportunity to publish the book and consented to write a sketch of Johnson as an introduction. His sudden death two months later prevented his carrying out this intention. On examination I found Johnson's work of value chiefly for the period from 1820 to 1836. His plan was to make the book a documentary history, letting the original documents, so far as possible, carry the narrative. Some of the documents that he used had already been printed in Kennedy, Foote and Yoakum, and since his death some additional ones have appeared in John Henry Brown's "History of Texas;" but some have never been published. The idea of a documentary history of this period is a good one, for the reason that the colonization of Texas by emigrants from the United States, and the subsequent revolution from Mexico, have generally been misrepresented as deliberate moves in a conspiracy of southern slaveholders to wrest Texas from Mexico and annex it to the United States. No denial of this charge can be so effective as the contemporary documents themselves, which go far toward revealing the thoughts and feelings of the settlers. For this reason I have frequently added documents to which Johnson did not have access. These additions as well as occasional paragraphs and chapters which I have found it necessary to insert, are indicated in footnotes. The chapters on the period since annexation are written by Mr. E. W. Winkler of the State Library.

As indicated on the title page, the work comprises, in addition to the general history of Texas, an addendum of economic and local data covering all the county divisions of the state, and also a collection of biographical articles on families and individual Texans. The county sketches, the manuscript of which, prepared by other writers, I have read for general historical facts, form a brief compendium of the historical and economic growth of each of these civil divisions of Texas, which number nearly two hundred and fifty. The material was collected largely from older publications and reliable statistical sources. At the request of the authors I have read also the manuscript of several of the biographical sketches.

BIOGRAPHICAL SKETCH OF FRANCIS WHITE JOHNSON

In a sketch written by himself Johnson says that he was the son and only child of Henson and Jane Johnson. He was born October 3, 1799, near Leesburg, in Loudoun county, Virginia, and one of his most vivid recollections of childhood was that of marching up and down the streets of Leesburg with the local recruits for the War of 1812. He attended the "Old Field" schools of his neighborhood, and was ready to enter an academy when his father moved to Tennessee, in 1812. Here academies and colleges were not so numerous as in Virginia, but after three more years at the "Old Field" schools he was sent to "a private or select school," where he was "instructed in geometry, mathematics, surveying, and English grammar." The last he "floundered through, understanding but little more at the end than at the beginning." "It is doubtless a good, a necessary thing," he said, "in its way, but it is not at all to my taste"; and in this he seems to have told but the simple truth, for he persisted in saying "I done it" to the day of his death.

At the age of eighteen he was ready to set up for himself as a surveyor, and chose the northern part of Alabama as the field of his first operations, going there with letters of introduction to General Coffee, the surveyor-general of the territory. He was promised an appointment as a government surveyor, but before receiving it changed his mind and determined to go to Illinois. At Augusta, Madison county, Illinois, he established himself, after a brief visit to St. Louis, and tested various occupations. For three months he taught school, then clerked in a store, and finally opened a "grocery store" of his own, his stock consisting of "whiskey, sugar, coffee and salt." The business did not prosper, and in 1821 he went to St. Louis county, Missouri, whither his father had just moved from Tennessee. Here he became for a time constable of the precinct in which his father lived, and captain of the Independent Rifle Company (militia). In 1824 he worked in the lead mines near Herculaneum, and quit this in 1826 to carry a cargo of produce down the Mississippi to New Orleans on a flatboat, or "broadhorn," as such boats were called.

Apparently he had no thought of going to Texas, but the voyage down the river revived a case of malaria from which he had suffered intermittently for several years, and a physician at New Orleans recommended a sea voyage to Texas. Johnson had known Col. Green DeWitt, one of the prominent colonizers of Texas, in Missouri, and had recently met him at Natchez and heard from him glowing accounts of the opportunities that Texas offered, and being by this time, as he said,

"somewhat indifferent about the world and its surroundings," he decided to make the trip. With the proceeds of the goods that he had brought from Missouri, he and his cousin, Wiley B. White, bought a stock of whiskey, sugar, coffee and tobacco, and set sail toward the end of July, 1826. An account of the voyage to Texas, and of Johnson's movements there down to 1834, is given in considerable detail in Chapter IX of this volume. Incidentally it presents an interesting picture of social and economic conditions of that period in Texas.

Briefly, Johnson was, during this period, surveyor of the Ayish Bayou district in East Texas in 1829, one of the leaders in the attack on Anahuac and the expulsion of Bradburn from that place in 1832, secretary of the convention which met in October of 1832 to petition the general government for the separation of Coahuila and Texas and for other reforms, and during 1833 and 1834 surveyor in the "upper colony" of Austin and Williams west of the old San Antonio Road.

Early in 1835 he became one of the more active leaders of the war party which promoted the revolution, and when the fighting began in the fall of 1835 he was among the volunteers that marched to the siege of San Antonio. He commanded a division of the force that stormed the town (December 5-9), and after the death of Milam succeeded to the full command. After the surrender of General Cos on December 9, Johnson and Dr. James Grant began preparations for an invasion of Mexico, the contemplated point of attack being Matamoras. The expedition was opposed by Governor Smith, but the General Council of the Provisional Government authorized it and appointed Johnson and James W. Fannin, Jr., to the command. Before the expedition got under way Santa Anna invaded Texas, in February of 1836, and Johnson's force was surprised at San Patricio by General Urrea and destroyed, Johnson and three or four others alone escaping. General Houston was at this time encamped on the Colorado a short distance above Columbus, and Johnson says that he joined some fifteen or twenty others and started for headquarters, "but being met on the way and informed that the army was retreating to the Brazos, we returned home. I took no further part in the struggle. I was thoroughly disgusted with the scramble for office—civil and military. I retired to the Trinity, where I remained quietly until 1839, and then visited the United States, having been in Texas thirteen years."

After his return to Texas Johnson made his home chiefly at Round Rock and at Austin. His business was that of a surveyor and land agent, but for many years he employed his spare time in collecting material for this history of Texas. He died at Aguas Calientes, Mexico, April 8, 1884. At the time he was president of the Texas Veterans' Association, and two weeks later he was re-elected by his comrades, who had not yet heard of his death. A movement was immediately begun for the return of his body to Texas, and on March 31, 1885, a joint resolution of the legislature was approved authorizing the governor to request permission from the Mexican government for its removal. The petition was granted and the remains were transferred to the state cemetery at Austin. He was a man of force and character and was honored by all who knew him.

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TEXAS AND TEXANS

CHAPTER I

SPANISH TEXAS¹

Indirectly Spain began to accumulate information concerning Texas in 1519, when Alvarez de Pineda sailed the Gulf from Florida to Tampico. Ten years later (1528) several survivors of the Narvaez expedition were cast on the shore of Texas, and, after six years of wandering along the coast from Galveston to Corpus Christi, Cabeza de Vaca and four others escaped from the Indians who had enslaved them and made their way to Mexico. De Vaca wrote an account of their experiences, which gives us our earliest source for conditions of the Texas interior. In 1540 members of the De Soto expedition, after the death of their leader, passed through East Texas on their way to Mexico; and the same year Coronado's expedition, searching for Quivira, traversed a considerable portion of West Texas. The interior of Texas continued to be penetrated by occasional parties of Spanish explorers for the next hundred and fifty years. Until well past the middle of the seventeenth century these parties advanced eastward from New Mexico, which the Spaniards had early occupied; but at the same time settlement was slowly pushing toward Texas through northern Mexico, and missionaries were already

¹ This brief chapter is intended merely as a narrative outline of the Spanish occupation of Texas, its purpose being to furnish an introduction to Johnson's account of the American colonization of the province. During the past ten years the details of this period have been carefully and somewhat fully presented by the late Professor George P. Garrison in his *Texas* (Houghton, Mifflin and Company, Boston, 1903) and by Professor Clark, Professor Bolton and others in special articles. Articles of particular importance are: Bolton, "The Spanish Occupation of Texas, 1519-1690" in the *Southwestern Historical Quarterly* (published by the Texas State Historical Association, XVI, 1-26); Clark, "The Beginnings of Texas, 1684-1718" (published as Bulletin No. 98 of the University of Texas); Buckley, "The Aguayo Expedition into Texas and Louisiana, 1719-1722" (*The Quarterly of the Texas State Historical Association*, XV, 1-65); Austin, "The Municipal Government of San Fernando de Bexar, 1730-1800" (*Ibid.*, VIII, 277-352); Dunn, "Apache Relations in Texas, 1718-1750" (*Ibid.*, XIV, 198-274); and Bolton, "Notes on Clark's 'The Beginnings of Texas'" (*Ibid.*, XII, 148-158); "The Native Tribes about the East Texas Missions" (*Ibid.*, XI, 249-276); "The Spanish Abandonment and Reoccupation of East Texas, 1773-1779" (*Ibid.*, IX, 67-137), and "Spanish Activities on the Lower Trinity, 1746-1771" (*Southwestern Historical Quarterly*, XVI, 339-377). Professor Bolton's articles on various tribes of Texas Indians in *Handbook of American Indians* (published by the Bureau of American Ethnology) contains also a wealth of information on the Spanish period.—The Editor.

urging the occupation of the Tejas country when news reached the government that a French expedition was headed for the country.

France had begun to occupy Canada at the beginning of the seventeenth century. Fur traders and Jesuit missionaries moved rapidly westward, and in 1673 Louis Joliet and Father Marquette explored the Mississippi River from Wisconsin to Arkansas. Ten years later La Salle followed the Mississippi to its mouth, and then returned to France to beg permission from Louis XIV to settle a colony there. His plan was a strategic one. France already held the St. Lawrence and the Great Lakes, the Ohio and the Upper Mississippi, and a colony at the mouth of the great river would go far toward securing the possession of the whole valley. Moreover, it could be made the basis of operations against Mexico, in case France and Spain were involved in war. The king approved, and La Salle was generously fitted out with colonists and supplies. The colonists included some farmers, artisans, and men of family, but too many of them were undesirable adventurers. In the West Indies one small vessel was captured by Spaniards, but the incident was not immediately reported to the viceroy and at the time, therefore, created no alarm in Spain. The remainder of the little fleet lost its bearings, and in February, 1685, entered Matagorda Bay and made a landing. A vessel was wrecked here—the *Aimable*, the supply ship—and many provisions and arms were lost. Beaujeu, the sailing master, returned to France in another ship, leaving La Salle one small vessel. This, too, was later wrecked. It soon became evident that the Mississippi did not enter Matagorda Bay, but La Salle could not believe that it was far away. A fort was built some miles inland on the Lavaca River, and a search for the Mississippi began.

The Indians, malaria, and their own excesses soon brought the party to a desperate state. La Salle was stern, arbitrary, and unsympathetic and incurred the hatred of some of the worst characters, who murdered him in 1687 near the present site of Navasota,² while he was making his third expedition in search of the Mississippi. After La Salle's death the settlement rapidly went to pieces. Some of the party eventually reached the Mississippi and made their way to Canada and France; many died of disease or were massacred by the Indians. When the Spaniards arrived in search of them in 1689 there were less than half a score of survivors scattered among the Indians.

The Spanish authorities had learned during the fall of 1684 of La Salle's plan for a settlement on the Gulf, and between 1686 and 1689 four searching parties were sent by sea and five by land to find him. It was only the fifth of the land expeditions that succeeded. Captain Alonso de León commanded this expedition in 1689, and with him was Father Damian Massanet, a devoted Franciscan missionary. They found the French settlement (Fort St. Louis) in ruins. Several dead lay unburied on the prairie. Clearly the danger of a French occupation for the present was over.

Learning that four Frenchmen were living among the Tejas Indians in East Texas, De León wrote to them inviting them to accompany him

² This approximate location of the murder of La Salle is derived from Professor H. E. Bolton, of the University of California.

to Mexico. Two of them joined him, and with them came a chief of the Tejas. Missionaries and explorers had long been wishing to get in touch with these Indians, and Father Massanet exerted himself especially to win the friendship of this chief. He was successful, and parted from him with a promise to return the next year and establish a mission among the Tejas, the chief assuring him that the Spaniards would be welcome.

Spurred by the fear of French encroachment, the viceregal government of Mexico approved the proposal of De León and Massanet for the establishment of a settlement among the Tejas, and in the spring of 1690 De León led a second expedition to the country. Marching first to La Salle's deserted settlement, he destroyed it, so that it might not harbor other intruders, and then proceeded northward to the Tejas. On a small stream some ten miles west of the Neches and northeast of the present town of Crockett he built a rude log chapel and left three priests and three soldiers to win the region to Christianity and to Spain. At first the Tejas were peaceful and friendly, but pestilence and bad crops followed and they became ill-humored and troublesome. Next year priests and soldiers were reinforced from an expedition led by Governor Terán de los Rios, but in 1693 they abandoned Texas, and Spain made no further attempts to occupy the province until fear of the French again arose in 1716.

In 1699 a French settlement was founded at Mobile Bay, and in 1712 a French merchant, Antoine Crozat, received from the government a monopoly of the trade of Louisiana, which was regarded as including all the territory drained by the Mississippi and its tributaries. But this field was too restricted for Crozat's ambition. He wished also to trade with the Spaniards in northern and northwestern Mexico. In view of the exclusive commercial policy of Spain, this could be done only by a system of smuggling with the connivance of the Spanish colonial authorities. A man of ability and address was needed to approach the Spanish officials, and Governor Cadillac of Louisiana selected Louis Juchereau de St. Denis, an experienced Indian trader and explorer. St. Denis led a party up Red River to the present site of Natchitoches, where he established headquarters for trade with the Hasinai or Tejas confederation of Indians in East Texas, and then pressed on across Texas to the Spanish presidio, a short distance southeast of the present Eagle Pass. In 1714 this post was commanded by Captain Diego Ramón. To him St. Denis unfolded his proposal, but the captain referred the matter to the viceroy at Mexico and held St. Denis a prisoner. An interesting romance has woven itself around the young Frenchman's sojourn here, but the thrilling details presented by Gayarré and Brown seem to have no other foundation than the fact that St. Denis later married Captain Ramón's granddaughter. The viceroy was considerably alarmed by the French advances, and ordered St. Denis sent to the capital.

As the result of personal conferences with St. Denis the viceroy decided to reoccupy East Texas, a measure to which the missionaries had been urging him for years. St. Denis agreed to guide an expedition, and this, with priests, soldiers and settlers, got under way in 1716, commanded by Captain Domingo Ramón. The Spaniards were welcomed

by the Tejas Indians, who had missed the small gifts with which the missionaries had been in the habit of cultivating their friendship, and during the next few years a group of missions was established around the present towns of Nacogdoches and San Augustine. In 1718 San Antonio was founded and became the important Spanish stronghold in this outlying province. In the meantime the French post at Natchitoches grew stronger and in 1719 the Spaniards were compelled to flee to San Antonio for protection. Two years later, however, the Marquis De Aguayo re-established the settlements and strengthened the presidios; and further relations between the French and Spanish on this frontier were marked by little friction. In 1762 Louis XV ceded Louisiana to Spain, and the international boundary moved eastward to the Mississippi, across which faced the aggressive English instead of the easy-going French.

After the founding of San Antonio Spanish governors and missionaries made energetic efforts to colonize Texas and civilize the Indians. Aguayo established a post near the site of La Salle's Fort St. Louis in 1721, which after being twice moved was finally fixed in 1749 at modern Goliad. The great mission buildings which constitute one of the most impressive historical monuments of the Southwest were constructed near San Antonio; and others of less pretentious character were scattered from Refugio and Liberty, near the coast, as far west as San Sabá and Rockdale. Following the French cession of Louisiana the settlements in East Texas were abandoned, but many of the settlers who had known no other home were ill at ease in San Antonio, whither they were moved, and in 1779 Gil Ibarbo led a number of them back and founded Nacogdoches on the site of the old mission of Our Lady of Guadalupe. The permanent results of Spanish activities in Texas to the close of the eighteenth century were pitifully small, but the province was very remote and the Indians were peculiarly untractable. When measured by the results achieved by the United States with a convenient base and incomparably greater resources, Spain's failure to civilize the Indians affords little cause for criticism or surprise.

On October 1, 1800, Spain re-ceded to France "the Colony or Province of Louisiana with the same extent that it now has in the hands of Spain, and that it had when France possessed it." On April 30, 1803—as the treaty is dated—France sold Louisiana, with the same limits, to the United States. What were the boundaries of Louisiana thus vaguely described? Napoleon had instructed General Victor to take possession of the Rio Grande, and on that ground, chiefly, President Jefferson and other prominent statesmen were inclined to claim Texas. But they were much more anxious to extend the eastern boundary over West Florida, a narrow strip along the coast from the Mississippi to the Perdido River, and expected to play the Texas claim against this coveted region. Historians are agreed that the claim to West Florida was baseless, but despite the accidental, temporary character of La Salle's settlement and the deliberate, permanent occupation of the province by Spain from 1716 onward, the Texas question has not been so easily settled. In 1819 the United States surrendered by treaty all claims west of the Sabine, but many patriotic citizens believed that the government exceeded its constitutional power in alienating territory to which its title

was good. It was this belief that made possible the demand for the "re-annexation" of Texas in the national Democratic platform of 1844.

Before the acquisition of Louisiana by the United States Anglo-Americans had already begun to penetrate Texas. For years Philip Nolan, a protégé of General James Wilkinson, had been making occasional trips to San Antonio. In 1800 he led a small party into the province for the ostensible purpose of capturing wild horses. Whether that was his sole object is even yet not clear. Toward the end of March, 1801, he was overtaken by soldiers near the present city of Waco, and in the ensuing battle Nolan was killed. His men then surrendered, expecting to be sent home from Nacogdoches, but on the contrary, they were marched to Mexico, where in the course of time all except Peter Ellis Bean elude the historical vision. Bean joined the revolutionists in 1810, and when Mexico gained its independence he was a colonel in the patriot army. During 1833-1835 he was stationed at Nacogdoches as a sort of Indian agent.

In 1812 Bernardo Gutierrez and Augustus Magee, lately a lieutenant in the United States army, invaded Texas with a considerable force of American adventurers, Spaniards and Indians. They took Nacogdoches in August and Goliad in October. Here Magee died. In the spring of 1813 they advanced on San Antonio and after defeating the Spanish governor in a terrible battle entered the town on April 1. Gutierrez's brutality to the prisoners alienated many of the Americans, who now abandoned him. The others were decoyed into an ambush by General Arredondo near the Medina River in June and badly defeated. The avowed object of Gutierrez and Magee was to win Texas for the revolutionary party in Mexico. They undoubtedly expected to turn success to their personal profit, but in just what way does not clearly appear.

After the signature of the Florida treaty of 1819 by which the United States relinquished its claim to Texas, Dr. James Long of Natchez, Mississippi, led an expedition which for a brief time occupied Nacogdoches and proclaimed the independence of Texas. It is somewhat significant that Long, like Nolan, had a connection with General James Wilkinson of the United States army, his wife being Wilkinson's niece. At the time of Long's invasion the royalist power had almost succeeded in stamping out the revolution in Mexico, and Texas was well defended. Troops advanced from San Antonio, and catching Long's forces in scattered detachments easily defeated and expelled them. Long took advantage of the renewed revolutionary wave in 1820 to return to Texas, but was no more successful than before. In fact, he was taken prisoner and sent to Mexico City, and there a short time later was killed by a Mexican soldier.

In a sense Nolan, Magee and Long, with the men whom they led, were but the advance couriers of American expansion. In the first twenty years of the nineteenth century the United States pushed its settled frontier westward to the Mississippi, and crossed that line in Louisiana, which became a state in 1812, and in Missouri, which was admitted in 1820. The natural line of advance to further expansion was toward the southwest. That the adventurous pioneers entered Texas in organized bands rather than as peaceful trappers and settlers was probably due to the revolutionary condition of New Spain from 1810 to 1821,

which suggested the pretext of marching in force to the relief of the local patriots. They served the purpose of spying out the country, and of paving the way for the peaceful invasion of Moses and Stephen Austin and the "crowd of expresarios" who followed them. The opportune attainment of Mexican independence in 1821 undoubtedly furthered the colonization of Texas from the United States by creating a temporary glow of friendship for the republicans of the north, who had gone through much the same experience with England as had the Mexicans with Spain, and whose liberal institutions the Mexicans dreamed of emulating.

CHAPTER II

THE AUSTINS, AND THE BEGINNING OF ANGLO-AMERICAN SETTLEMENT ¹

It is well known that the idea of planting a colony of North Americans in the territory of Texas originated with Moses Austin. Moses Austin was a native of Durham, in the state of Connecticut. He came of a highly respectable family, received a liberal education, and was regularly bred to the business of merchandise. He was a man of uncommon sagacity, and of an enterprising character. He began life as a merchant, in the city of Philadelphia. He afterwards removed to the city of Richmond in Virginia, and subsequently purchased the lead mines, known as Chissel's mines, on New River in Wythe county in that state. Here he engaged extensively in mining and in the manufacture of lead. He introduced artisans from England, and established the first manufactory of shot and sheet lead that was established in the United States. A little village grew up around him on New River, which was called Austinville, at which place Stephen F. Austin was born on the 3d day of November, 1793.

In the year 1797, the enterprising disposition of Moses Austin led him to explore that portion of Upper Louisiana now embraced within the limits of the state of Missouri, which has since become so celebrated for its mines of lead. He had been informed by some adventurous travelers of the richness of those mines; and having succeeded in procuring the necessary passports from the Spanish Minister at Washington, he resolved to visit that section and to see for himself. The result was that he determined to remove his family to Upper Louisiana, and to engage in working the richer mines of that country. He procured a concession from the Spanish Government of a league of land, including what was called the Mine-a-Burton. In pursuance of his determination, he removed his family and a number of laborers to the Mine-a-Burton in the year 1799. This was at that time a perilous adventure. Parties of miners had been in the habit of going there in the summer to dig ore, which they transported on horseback to St. Genevieve, which was forty miles distant. There were no families residing near the mines. In fact, there were no families nearer than St. Genevieve. The Osage Indians

¹ Johnson quotes this chapter from two sources: (1) A sketch of Stephen F. Austin by James H. Bell, first published in *De Bow's Review* for February, 1858, and reprinted in the *Texas Almanac* for 1859, pages 153-160; and (2) Stephen F. Austin's own account of his colonies as published in pamphlet form in 1829 and reprinted in the *Texas Almanac* for 1858, pages 146-162. The pamphlet has also been reprinted by Colonel Guy M. Bryan in *A Comprehensive History of Texas*, I, 448-469. They still form what is probably the best account of the subject. Since the whole chapter is quoted, quotation marks are omitted.

were hostile, and Austin experienced, in his new home, all the vicissitudes of a frontier life. It was amidst such scenes as are always presented by a new settlement in the wilderness, surrounded by savage enemies, that the mind of Stephen F. Austin received its earliest permanent impression. It was in the midst of a thriving community of hardy and enterprising men, where industry was subduing the wilderness, and where civilization was beginning to diffuse its refinements, that his character was formed. It will be seen that he was trained in a school admirably suited to qualify him for the difficult part which it afterwards became his duty to perform.

In the year 1804, being then in the eleventh year of his age, Stephen Austin was sent to Colchester Academy, in Connecticut, to pursue his academical studies. He remained in that institution, which was then in high repute, for one year. Thence he removed to an academy at New London, where he remained until 1808. He then returned to the West, and became a student of Transylvania University, at Lexington, Kentucky, where he devoted himself for two years to his studies, and was

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distinguished amongst his fellow-students for his intelligence and gentlemanly deportment. It was at Transylvania that he formed an intimate acquaintance with Joseph H. Hawkins, who afterwards resided in New Orleans, in the practice of law, and assisted Austin in his first enterprise of colonization.

In the year 1813, at the age of twenty, Stephen F. Austin was elected to the Territorial Legislature of Missouri from the county of Washington, and was regularly re-elected until the year 1819, when he ceased to reside in the territory. While he was a member of the Territorial Legislature he became acquainted with Thomas H. Benton, who was a member of the same body. Mr. Benton always respected him as a man of character and talents, and they maintained a friendly and political correspondence during Austin's life.

During these years, from 1800 to 1817, Moses Austin had conducted an extensive and profitable business in mining and in the manufacture of shot and sheet lead. He had made very valuable improvements on his property, and had acquired an ample fortune. His house had become the center of the thriving and enterprising community which had formed itself around him. He dispensed a liberal hospitality, and had before him the cheering prospect of spending the evening of his life in graceful

and prosperous ease, when misfortune suddenly came upon him. He was a large stockholder in the bank of St. Louis. In the years 1817 and 1818, the affairs of that institution fell into embarrassment, and were finally involved in complete ruin. Moses Austin was one of the principal sufferers. The visions of social ease and of a green and quiet age which he had begun to enjoy suddenly gave place to the disagreeable realities which always wait on a great reverse of fortune. He was now in his fifty-fifth year. He saw that the demand of creditors would sweep away the accumulations of twenty-five years of labor. Instead of bowing before the stroke he retained a firm mind and a resolute heart. He sent for his son Stephen, and told him that he had determined to surrender the whole of his property to his creditors. He carried this determination into effect, and then proposed to his son the idea of forming a colony in Texas. After proper and mature deliberation the father and son came to the determination to take the necessary preliminary steps for the purpose, and if they were successful in the preliminaries, to devote all their energies to its final accomplishment.

The title of Spain to the territory of Texas was about this time established by the treaty of the 22d of February, 1819, between the government of Spain and that of the United States. This treaty is sometimes called the Monroe treaty, because Mr. Monroe was president of the United States when it was made; and it is sometimes called the treaty of De Onis, because Don Luis de Onis was the Spanish Minister at Washington with whom the treaty was negotiated. In consequence of this treaty and the territorial rights secured to Spain by it, it became necessary for Moses Austin to apply to the government of Spain, or to the Spanish authority, for permission to colonize in Texas. He accordingly resolved to make the application in person. As a preparatory measure to the enterprise of colonization, Stephen Austin left Missouri in the month of April, 1819, and proceeded to a place known as Long Prairie, on Red River, in the territory of Arkansas. Here he commenced a small farm, intending to make that point the rendezvous of the settlers who were to be introduced into Texas, in the event that Moses Austin succeeded in his application for permission to plant a colony there. Stephen Austin remained in the territory of Arkansas during the greater part of the year 1819 and 1820. In the meantime he received the appointment of Circuit Judge in that Territory.

In the autumn of the year 1820, Moses Austin left Missouri and proceeded to Little Rock, in Arkansas, where he was met by his son Stephen. It was then thought advisable to abandon the farming enterprise at Long Prairie, and that Stephen should go to New Orleans and co-operate with his father, as they might subsequently arrange, and as circumstances might require. Moses Austin proceeded, by the way of Nacogdoches, to visit the Spanish authorities at San Antonio de Bexar. After a very fatiguing and hazardous journey through a wilderness country he reached Bexar in the month of November, and proceeded with as little delay as possible to lay his business before the Governor of the Province, Don Antonio Martinez. The authority of Governor Martinez was limited, and extended only to the customary local administration of the Province. He was subject to the orders of the Commandant General of the Eastern Internal Provinces at Monterey, and

this office was filled, at that time, by a man of ability and reputation, Don Joaquin de Arredondo. He was the same who, in the summer of 1813, destroyed the revolutionary force, composed partly of Americans, and commanded by Toledo, at the disastrous battle of Medina; and who, in the year 1817, shared the honor of triumphing over the genius and valor of Xavier Mina. Arredondo had given orders to Governor Martinez not to permit foreigners, and especially North Americans to enter Texas. The Governor and the Commandant General were not personally on the most friendly terms, and Martinez was cautious not to expose himself to the charge of disobedience to his superior.

Moses Austin made his application in person to Governor Martinez, and was much surprised and disappointed to find that not only his proposals on the subject of colonization would not be considered, but that he was not received with that courtesy which is expected from a man in high standing to a petitioner. Martinez ordered him to leave the Province, and even refused to look at papers which established the fact that Mr. Austin had formerly been a Spanish subject. To parry this blow Mr. Austin endeavored to engage the Governor in a conversation more general, using the French language, of which he had acquired a knowledge in Missouri, and with which the Governor was also acquainted. His attempt was unsuccessful. The Governor's manner was very ungracious, and he peremptorily repeated the order that Austin should leave the Province without delay. Austin was not only disappointed, but incensed by the manner of his reception and dismissal. He retired from the Government house, resolved to leave Bexar within the hour. As he crossed the plaza he accidentally met a gentleman with whom he had, many years before, spent a night at a country tavern in one of the Southern States. This gentleman was the Baron de Bastrop. When they had formerly met they had conversed freely, and had thus acquired some knowledge of each other, both being men of enterprise and much experience. Now, when they unexpectedly encountered in the plaza, their recognition of each other was instant. Indeed, it was said by those who knew him, that the Baron never forgot anyone, and he was himself of so distinguished a figure that it was not an easy matter for anyone to forget the Baron. The Baron de Bastrop was a native of Prussia, and had seen service in early youth under the banners of the great Frederick. He was now a Spanish subject and resided in San Antonio. He was a man of education and talents, and was very much respected by the inhabitants of Bexar. He was also initiated into all the mysteries of the Government house, was on terms of personal friendship with Governor Martinez, and possessed much influence with all the authorities of the Province.

Bastrop invited Austin to his house, where the latter, in a few words, explained to him the object of his visit to San Antonio, and informed him of his interview with the Governor and of its consequences. The generous temper of the Baron at once inclined him to serve Austin if it were possible for him to do so, and he placed himself in the most earnest manner to make the effort. He repaired immediately to the Governor's house, and informed his Excellency that Austin was his friend, and a man of high character and integrity, whose intentions, in coming into the Province, were open and undisguised. He represented further to his

Excellency that Austin's health was broken by recent exposure, that he was suffering from fever, and that he could not travel without danger to his life. He begged the Governor, as a personal favor to himself, to revoke the order of Austin's immediate departure. The Governor listened with respect to the Baron's representations, and granted his request in the most obliging manner. The Baron retired, very well satisfied with the results of his first interview with the Governor in behalf of his friend Austin. At the end of a week Bastrop had succeeded, by the aid of other influential citizens whom he had enlisted in the cause, in removing the objections of Governor Martinez to the project of Austin, and in procuring for him from the ayuntamiento of Bexar, a promise to recommend Austin's propositions for the settlement of three hundred families within the limits of Texas, to the favorable consideration of the Commandant General, Arredondo, and the Provincial Deputation of the Eastern Internal Provinces; which latter was a body who held their sessions at Monterey, and shared, with the Commandant General, the Government of the Eastern Provinces of New Spain. After yielding his first opposition to Austin's propositions, Governor Martinez entered very heartily into all his plans, and evinced a sincere interest in their future success. It seems that he formed a very favorable judgment of Austin as a man of integrity and of honorable purposes. Austin determined to leave San Antonio without waiting to hear the result of his application to the authorities at Monterey, and to return to Missouri to arrange some pressing matters of business. Governor Martinez promised to give him the earliest possible information of the fate of his application, and took leave of him, saying, "if you live to return, you may count on my assistance in every way that duty and circumstances will permit."

On his return from San Antonio to Natchitoches, Austin was robbed and deserted by his companions, and was exposed to great suffering before he reached a hospitable roof on the Sabine, where he rested for a few days. His weak condition obliged him to rest again in Natchitoches. Here he recovered in some measure his strength, and after informing his son Stephen, by letters, of what had transpired, he pursued his journey to Missouri. Shortly after his return home, he had the pleasure of hearing officially from Governor Martinez that his propositions had been favorably received at Monterey, and that he was at liberty to commence his settlement in Texas immediately. About the same time he procured a settlement of his affairs with the Bank of St. Louis which was more satisfactory than he had anticipated, inasmuch as it left him the prospect of beginning his new settlement in Texas with means sufficient to provide the stores and mechanical and agricultural implements necessary to such an enterprise.

Moses Austin was now (in the spring of 1821) industriously engaged in making his preparations to return to Texas. He gave notice, by letters, to those whom he expected to accompany him that he would be in Natchitoches by the latter part of May, and that he did not wish to be delayed a single day in proceeding on his way to the Brazos and Colorado. But it was written in the book of God's Providence that the brave old man should be spared the trials and sufferings incident to the further prosecution of such an enterprise as he had conceived. He fell sick about the first of June, at the house of his daughter, Mrs. James Bryan,

since so well known in Texas as Mrs. James F. Perry. He died in his daughter's arms, on the 10th day of June, 1821, in the fifty-seventh year of his age. The family of Moses Austin consisted at the time of his death of his wife, who survived him about three years; of his daughter Mrs. Bryan, above named; of his son Stephen, who was then in New Orleans; and of a younger son, James Brown Austin, who was then at school in Kentucky, and who was afterwards well known in Texas. While on his death-bed, Moses Austin declared it to be his earnest desire that his son Stephen should endeavor to have himself recognized by the Spanish authorities in Texas as his representative, and that he should carry forward the enterprise of colonization.

In anticipation of his father's return from San Antonio, and with the expectation of meeting him, Stephen had gone, about the 1st of February, from New Orleans to Natchitoches. Moses Austin had left that place a few days before for Missouri, and the father and son did not meet. Stephen Austin, however, saw several persons in Natchitoches who had already engaged to go to Texas with his father, provided his application succeeded; and from these persons he learned, as also from his father's letters, the particulars of the trip to San Antonio, the contingencies upon which the further prosecution of the enterprise depended, and the plans that had been formed for the future. Stephen Austin returned from Natchitoches to New Orleans to await his father's movements. His time in New Orleans was spent principally in the library of his friend Hawkins, where he devoted himself, with the greatest assiduity, to the study of law. In the month of June he heard from a friend in Natchitoches of the arrival of the Commissioner whom Governor Martinez had sent to meet Moses Austin, to inform him of the confirmation of his grant by the authorities at Monterey, and to conduct him into the province of Texas. Stephen Austin deemed it best that he should hasten to Natchitoches to meet the Commissioner, fearing that his father might be unexpectedly delayed. Accordingly he left New Orleans again on the 18th of June for Natchitoches, by the way of Red River. On reaching Natchitoches he received intelligence of his father's death. This was a heavy blow to him, but he met it with the fortitude of mind which, though extremely sensitive, was of fine texture, and not easily subdued by discouragement. He was now in the twenty-eighth year of his age. He felt that the hopes of his family would center on himself. He resolved to accept the trust which his father, in his dying moments, had bequeathed to him, and to make for his dear and aged mother a new home under a milder sun, where, if she could not forget the pleasant years spent in the old hall at Mine-a-Burton, she might at least enjoy at the hands of an affectionate and dutiful son those comforts and observances with which it was once the pride of a tender husband to surround her.

The Commissioner sent by Governor Martinez to meet Moses Austin at Natchitoches was Don Erasmo Seguin. He was accompanied by Don Juan Martin de Veramendi, who was afterwards Lieutenant-Governor of the State of Coahuila and Texas. Seguin and Veramendi were both gentlemen of character and experience. Stephen Austin waited on them, was kindly received by them, and had the gratification to hear them express the opinion that the Spanish authorities would interpose no objec-

tion to the assumption by him of the character of successor to his father in the enterprise of colonization. He immediately made his arrangements to proceed with them to San Antonio. The party, consisting of Don Erasmo Seguin and Don Juan Veramendi and their escort, and Austin and fourteen followers left Natchitoches about the 5th of July; and after considerable delays in getting fairly equipped for their journey they crossed the Sabine on the 16th and proceeded by way of Nacogdoches and along the old San Antonio road toward Bexar. The party reached the Guadalupe on the 10th of August. From this river three of the Mexicans who belonged to Don Erasmo Seguin's escort left them and pushed on to San Antonio, to inform his family of his approach. On the morning of the 12th of August, while Seguin, Veramendi and Austin were eating breakfast, these three men returned, accompanied by several others, and announced the stirring news of the declaration of Mexican independence.

On his arrival in San Antonio, Stephen F. Austin was welcomed by Governor Martinez as the proper representative of his deceased father; and he accordingly made arrangements for the immediate exploration of the country, and the selection of a suitable section for his colony. Moses Austin had formed the opinion that the country near the Gulf coast and watered by the Brazos and Colorado, was the best suited to his purpose. After a minute and careful examination, Stephen Austin came to the same conclusion, and determined to plant his colony on those rivers. Austin now returned, as speedily as was possible, to New Orleans, and began his operations for the introduction of families into the Province of Texas. Governor Martinez had given him instructions as to the quantity of land which should be promised to each settler. Austin had formerly agreed with his early friend, Joseph Hawkins, that he would divide with him, in an equitable manner, whatever lands he might subsequently acquire in Texas, if Hawkins would assist him in setting his enterprise fairly on foot. Hawkins was a generous and sanguine man, and now entered heartily into Austin's views in regard to the settlement which the latter was about to perform in Texas. Unfortunately, however, Hawkins began, about this time, to feel the pressure of pecuniary embarrassment, and was not able to render to Austin that efficient aid which the latter so much needed. By their joint efforts, however, they fitted out a small schooner, called "The Lively." She sailed from New Orleans about the 20th of November, 1821, having on board eighteen men, with all necessary provisions, arms, ammunition, and farming utensils. They had directions to enter Matagorda Bay and to ascend the Colorado River until they found a suitable place, where they were directed to build cabins, to plant corn and to erect necessary defences against the attacks of hostile Indians.

Austin left New Orleans the next day after "The Lively" sailed; he proceeded by land to the Bay of Matagorda, where he expected to meet those who passed over on the schooner. As he passed through Natchitoches, he collected a party of ten men to accompany him. He had already made publications in the newspapers setting forth the outlines of the enterprise on which he had entered, and inviting colonists to join him. In these publications the terms on which colonists would be received, the amount of land that would be granted to them, and all other

necessary particulars, were fully set forth. The fame of Austin's enterprise had thus gone forth throughout the Southwestern States, and many persons were already approaching the frontier of Texas with the intention to offer themselves as colonists. By means of agents, Austin caused all such persons to be informed how they should enter the Province of Texas and conduct themselves until they could be formally received as settlers and put into possession of their lands. With this small company, Austin pushed on to meet the passengers of "The Lively"; but when he reached the mouth of the Colorado River, no traces were to be seen of the schooner or of any of those who sailed on her. Austin remained near the mouth of the Colorado for about three months, occasionally searching the neighboring shores of the bay and gulf for the long-expected schooner, until he despaired of seeing her, when he took his course up the Colorado. Reaching the La Bahia crossing, he had the happiness to meet his brother, James Brown Austin, who had come to join him. Together they proceeded with about twenty men to San Antonio, which place they reached about the 15th of March, 1822. Another vessel was soon after fitted out by Hawkins with supplies and emigrants for the new colony; but the navigation of the Gulf coast was then little understood, and this second vessel was obliged to land her cargo on the beach, where it was plundered by the Carancawa Indians. These first attempts to introduce emigrants and supplies by the way of the Gulf were comparatively fruitless.

It was on the 21st of February, 1821, that the Independence of Mexico was declared by Iturbide and confirmed by the Mexican Cortes, and Governor Martinez was in doubt whether the new government would sanction his acts in relation to Austin's colony, and he therefore now advised Austin to proceed at once to Mexico and procure the recognition of his rights and privileges for a colony. He therefore set out with two or three companions, in March, 1822, on horseback, to perform the perilous journey of some twelve hundred miles to the capital of Mexico, which place he reached, after a variety of adventures, about the last of April. He found the government distracted with factions, the result of which was that Iturbide was proclaimed Emperor on the 18th of May.²

In such a state of political affairs, all that a person could do who had business to transact with the government was to form acquaintances, try to secure friends, and wait for a favorable opportunity. Austin adopted this course, and devoted the principal part of his time to studying the Spanish language, for when he arrived in Mexico he labored under the disadvantages of being a foreigner, a total stranger, and ignorant of the language of the country, except what little he had acquired in his first trip to Bexar, and on his journey to the capital.

On examination into the state of his colonization business he found that the regency had decided that the Governor of Texas, Martinez, was not sufficiently authorized to stipulate what quantity of land the new settlers were to get, as he did, by his letter to Austin, of the 19th of August, 1821, and that this point must be settled by a law of congress; for which purpose all the documents relative to the new settlement were

² From this point the remainder of the chapter is in the words of Stephen F. Austin.

transmitted by the regency to congress. This at once explained the reason why Governor Martinez urged Austin to go to Mexico, for he was doubtless well aware that in the then existing state of political affairs nothing would be done in the business unless someone was present to attend to it.

Austin endeavored to procure the despatch of his business by means of a special law, but found it to be impracticable, owing to several petitions having been presented for colonies, which gave rise to an idea among the members that a general colonization law ought to be passed, and that all should be placed on the same footing. Nothing, therefore, could be done until such a general law was enacted. A standing committee on colonization had been appointed previous to his arrival in the city, to which his business was referred. This committee had made some progress towards settling the basis of a law; but the coronation, on the 21st of June; the dissensions between the emperor and congress; the general alarm among the liberal members at the strides of the former towards absolute power; the events which grew out of the violent proceedings of the 26th of August, when fourteen of the principal members of congress were seized in their beds and imprisoned; added to the necessary attention to the revenue and financial departments, and to national affairs, generally, precluded any advancement in a matter which was considered to be so comparatively unimportant as a new settlement among barbarous savages twelve hundred miles distant in the wilderness of Texas. Notwithstanding the many embarrassments, however, which retarded the business, the committee on colonization reported a general colonization law, the discussion of which had proceeded, in detail, to within three articles of the end when, on the 31st of October, congress was turned out of doors by an armed force under a decree of the emperor, which declared that congress was dissolved, and vesting the legislative power of the nation in a Junta Instituyente, whose members were all nominated by himself. This event, of course, threw back the colonization law to its first stage; all had to be begun *de novo*; a new colonization committee was appointed, a new law was reported, though not differing much from the former, which finally passed, and was approved by the emperor, and promulgated on the 4th of January, 1823.

Thus, eight months after his arrival in the capital, Austin had the satisfaction of finding himself advanced one step; a colonization law was enacted and promulgated. The next step was to procure the despatch of his business from the executive, a task which at first promised to be almost as difficult to accomplish as the other had been, owing to the excitement which was daily becoming more open and manifest against the arbitrary proceedings of the emperor, which portended another revolution, and, of course, a further suspension of all business of an individual nature. Fortunately, however, the minister of foreign and interior relations, Don José Manuel Herrera, and the sub-minister of the same department, Don Andres Quintana, were both men of liberal and enlightened principles, and so far as the then existing state of politics would permit, they were favorable to the emigration of foreigners. The despatch of individual affairs appertaining to the interior, or home department, was principally confided to the sub-minister, Quintana. The captain general of the Internal Provinces, Don Anastacio Bustamante,

within whose command Texas was included, also took a very liberal and enlightened view of the advantages which would result to the nation from settling the wilderness of Texas, to which he was very favorably inclined; also a number of the members of the Junta Instituyente and of the council of state, were favorably disposed towards the enterprise; added to all this, the claims of Austin on the attention and justice of government, were strong and incontrovertible. He came into Texas with the emigrant settlers in virtue of a permission legally granted to his father by the competent Spanish authorities, previous to the change of government; he was also officially conducted into the country by a commissioner expressly appointed by the Governor of Texas for that purpose; and on his arrival at the capital of that province he was officially received and recognized by the Governor, Antonio Martinez, after the change of government, and officially authorized by that functionary of the independent Mexican nation, to proceed with the settlement; the amount of land to be distributed to each settler was stipulated; and Austin was appointed to administer, provisionally, the local government of the new settlement. He had also been detained nearly a year in Mexico on this business. These circumstances enabled him to bring the matter before the council of state in a shape which procured its speedy and favorable dispatch by that body, who reported their opinion relative to it on the 14th of January; and on the 18th of February, 1823, the minister, Andres Quintana, issued the emperor's final decree on the subject. This decree was conformable, in general, to the advice given to the emperor by the council in their report, though not exactly in every particular.

The great object which took Austin to Mexico being accomplished, he made preparations to depart immediately for Texas, and intended to have started on the 23d of February, but previous to that day, information reached the city relative to the progress of the revolution against the emperor, which convinced all reflecting men that a great political change of some kind was near at hand.

On the 2d of December, General Santa Ana, who commanded at Vera Cruz, had raised the standard of opposition to the arbitrary proceedings of Iturbide, and on the 6th, in union with the civil authority of that city, he published a "plan," the basis of which was the reunion of the same congress whose members had been dispersed by the arbitrary order of the emperor on the 31st of October; and that its deliberation should be free from military restraint. On the 20th and 21st of February information was circulated in the city of the general defection from the emperor of those parts of the nation which had heretofore remained passive, and Iturbide began to be publicly spoken of as an usurper, and some were of opinion that all his acts would be annulled by congress. This would have thrown Austin back to where he started the year before, and it was therefore too important a matter to be left unattended to. He consulted several lawyers, and other persons of information, on the subject; some gave the opinion that all acts of the government *de facto*, of such an individual nature as this, where the rights and interests of individuals alone were concerned, without being in any way connected with the general politics of the government of the nation, would be good, and others thought that it would be safer to obtain the sanction of congress. It was sufficient for Austin that doubt appeared to exist, and he

determined to suspend his journey to Texas, and wait the meeting of congress, which it was now evident must soon take place.

Early in February, the emperor marched out of the city in person, at the head of all the troops he could collect. * * * Finding, however, that he could not rely upon his troops, and that the opposing force greatly exceeded his, and was daily augmenting by desertions from his own army, he consented to a cessation of hostilities, and commissioners were appointed on both sides to treat. The said commissioners agreed in substance that the emperor should retire to Tacubaya, three leagues from the city, that congress should convene as soon as its dispersed members could be collected, and that all parties should unconditionally submit to whatever congress might dictate, neither to have any troops in the city, and the necessary guards to keep order to be placed under the direction of the local civil authority until congress met. Both parties complied with this treaty. Congress convened and on the 29th of March, decided: 1st. That the sovereign constituent congress of the Mexican nation was in legal session, there being one hundred and three members present, which was a majority of the whole number, and that its deliberations were entirely free from all military or other forcible restraint. 2nd. That the executive power of Mexico, which had existed since the 19th of May, 1822, up to that time, had ceased. 3d. That this decree should be communicated to the supreme executive power, which would be established by congress, for its publication, etc. On the 31st congress decreed that the executive authority of the Mexican nation should be provisionally deposited in a body, who should be styled the Supreme Executive Power, and be composed of three individuals, etc. On the same day the three persons who were to compose the executive were elected by congress, to wit: Nicholas Bravo, Guadalupe Victoria, and Pedro Negrete; and José Michelena, and Miguel Dominguez, were elected supernumeraries, to fill the places of any of the others who might be absent, until their arrival. An entirely new organization of the different branches of the government now took place. On the 18th of April congress decreed that the coronation of Don Augustin de Iturbide was an act of violence and force, and was null; and consequently that the resignation of the crown, and the hereditary succession, and all titles emanating from said coronation were null; and all the acts of the last government, from the 19th of May, 1822, to the 29th of March, 1823, were illegal, and subject to be revised, confirmed, or revoked by the government now established.

In consequence of the decree of 8th of April, Austin presented a memorial to congress, together with the concession which he had obtained from the last government on the 18th of February; and petitioned congress to confirm the concession, or dispose of it, as that body might deem proper. On the 11th of April, congress passed a decree, referring this memorial and concession to the supreme executive power, to be confirmed by that power, should it have no objection. The same decree also suspended for the future the law of colonization passed by the Junta Instituyente, the 4th of January, 1823, until a new resolution of congress on the subject. On the 14th of April, the supreme executive power issued a decree in virtue of the act of congress, above mentioned, by which that power confirmed in full the concession granted to Austin

by the imperial government on the 18th of February, 1823, and this decree was circulated by the Minister of Interior and Exterior Relations, Don Garcia Illueca, to the Captain-General of the Internal Provinces, and a certified copy of it was delivered to Austin.

Thus after one year's detention and exertions in Mexico, Austin at last had the satisfaction of leaving there with his business dispatched and confirmed by all the governments which had ruled the Mexican nation during the year; and as the last confirmation was by the Sovereign Constituent Congress, whose members were the acknowledged and legal representatives of the people of the nation, there could no shadow of doubt remain as to the legality and validity of his concession; and on the 28th day of April he departed from the capital.

On his arrival at Monterey, the capital of the eastern internal provinces, he presented a consultation to the Commandant General, Don Felipe de la Garza, requesting special instructions and copies of the laws, for the administration of the local government of the new colony, which was committed to his charge in general terms, by the decree of the supreme government, of 18th of February, 1823. This consultation was transmitted by the Commandant General to the provincial deputation of Nuevo Leon, Coahuila and Texas, then in session in that city, who decreed in substance that Austin's authority, under the decree of 18th of February, was full and ample as to the administration of justice and of the civil local government of the colony, and the command of the militia; and that his grade or rank as a militia officer should be lieutenant-colonel; that he could make war on the Indian tribes who were hostile and molested the settlement; that he could introduce, by the harbor of Galveston, such supplies of provisions, etc., as might be necessary for the settlement in its infancy; in short, that he should preserve good order and govern the colony in all civil, judicial and military matters according to the best of his abilities, and as justice might require, until the government was otherwise organized, and copies of laws were furnished, rendering to the governor of Texas an account of his acts, or of any important event that might occur, and being himself subject to him, and the Commandant General. The local government was thus committed to him with the most extensive powers, but without any copies of laws or specific instructions whatever for his guide: The act of the deputation, therefore, left the matter in substance precisely where the decree of 18th of February had placed it.

On the 16th of July, the Governor of Texas, Don Luciano Garcia appointed the Baron de Bastrop commissioner on the part of the government to survey the lands for the settlers of the new colony, and in union with Austin to issue titles to each one in the name of the government, conformably to the decree of 18th of February, 1823. The Governor, by an official act dated the 26th of July, also gave the name of San Felipe de Austin to the town which was to be laid off for the capital of the new colony.

In August Austin arrived in the colony in company with the commissioner, Baron de Bastrop. The settlement was nearly broken up, in consequence of his long detention in Mexico, and emigrants had returned and a number of those who started from the United States for this settlement had stopped on the Ayesh Bayou and round Nacogdoches or on

the Trinity; and by this means the settlement of those sections of the country was commenced. Such arrangements were made by the commissioner, Bastrop, as were necessary, and he then returned to Bexar to fill his station as a member of the deputation of Texas.

In 1824 the commissioner, Bastrop, again returned to the colony, and in union with Austin issued the titles to the settlers for the lands which had been surveyed up to that time; but as Bastrop had been elected a member of the legislature of the State of Coahuila and Texas, just established, he could not remain long enough to complete the surveys and titles for the whole of the three hundred families, all of whom had by this time emigrated and were in the country. He therefore departed for Saltillo in September, and left a part of the titles unfinished, which, together with the other unfinished business of the colony, was completed by the commissioner, Gaspar Flores, who was especially commissioned for that purpose by the Lieutenant Governor of the State of Coahuila and Texas, Don Victor Blanco, then exercising the duties of Governor. * * *

The idea, which appears to be entertained by some persons in the United States, that the early population of Texas was composed of fugitives from other countries, is totally incorrect and unjust. It was natural to suppose that some fugitives might enter the country, and measures were taken at an early day, both by the government and by Austin, so far as his authority extended, to shield Texas from that evil. He expelled several from this colony, in 1823-4, under the severest threats of corporal punishment if they returned, and in one instance he inflicted it. This is mentioned for the sole purpose of proving that there could not have been many of that class here, for Austin had no force but the militia, which was composed of the settlers themselves. As regards the general morality and hospitality of the inhabitants, and the commission of crimes, this settlement will bear a favorable comparison with any county in the United States, however celebrated for its exemption from such crime.

If having escaped many perils is to be considered as a presage that fortune has taken this new settlement under her protection, there is abundant reason for hoping that it will prosper in the future. It was undertaken and has been established, by individual enterprise alone, without the aid of strong capitalists, and totally unsupported by troops or succors of any kind from government. In this respect it presents an anomaly in the history of similar establishments. Independent of perils from hostile Indians, scarcity of provisions, internal dissensions, and many other incidents to an infant and wilderness settlement, it has seen four great political changes in the government of this nation, and it has worked its way, in peace and safety, through them all.

The foregoing observations have been exclusively confined to the first, or "old colony," as it is frequently called. The colonization laws which are generally in force at this time will now be noticed, and also the contracts entered into with the government, by Austin, under those laws * * *

On the 7th of May, 1824, congress decreed that the former provinces of Coahuila and Texas should form a state, and proceed immediately to elect its legislature; but that so soon as the latter should be in a sit-

uation to form a separate state of itself, the national congress should be informed thereof, for its resolution.

It will be remembered that the colonization law passed by the imperial government on the 4th of January, 1823, was suspended on the 11th of April of that year, except in Austin's case. On the 18th August, 1824, congress passed the general colonization law which is now in force, giving to the states full authority to form colonization laws, and to dispose of the vacant lands within their respective limits agreeably to the basis and conditions therein established. In virtue of this law the legislature of the State of Coahuila and Texas passed the state colonization law which was approved by the Governor and promulgated the 24th March, 1825, and is now in force.

In 1824 there was no mail established from Bexar to Nacogdoches passing through this place, as at this time, and the law of 18th August was not received here until December. Previous to that time, and on the 6th November, Austin had forwarded a petition addressed to the supreme executive power of the nation asking for authority to colonize two or three hundred families more in addition to his first colony, and praying that Galveston might be made a port of entry. This representation was transmitted to the Governor of the state. Afterwards, having seen the law of 18th August, and understanding that a state law was discussing in the legislature of the state, he forwarded a petition addressed to the Governor of the state, on the 4th of February, 1825, repeating in substance what he had said in that of the 6th of November relative to Galveston, and asking for permission to colonize three hundred families. Having afterwards received information that the state colonization law was about to be sanctioned, and having heard nothing of his two former petitions, on the 4th of April, 1825, he forwarded a petition asking for authority to colonize five hundred families. Before the last petition reached him, the Governor had granted Austin's former one, for the additional three hundred families, and had transmitted to Austin the contract which he was required to sign, and which was to take effect from the day Austin approved and signed it, which he did on the 4th June, 1825. After dispatching from Saltillo this contract for three hundred families, the Governor received Austin's petition of 4th April, asking for authority to colonize five hundred families, which was granted by him on the 20th May, 1825, and made a part of the before-mentioned contract, which was thus extended to five hundred, instead of three hundred families. The five hundred families were to be settled on the vacant land remaining within the limits of Austin's first colony, which had not been assigned to any other empresario, and which was not within the ten league reserve on the coast. As the limits of the first colony were not fixed by specific boundaries, as before stated, Austin petitioned the governor on the subject, who, on the 7th of March, 1827, added another article to the contract for the five hundred families, by which the limits within which they were to be settled were fixed. The term of six years from the 4th June, 1825, the day on which Austin signed it, is fixed for the completion of this contract for five hundred families. On the 21st of April, 1826, the government commissioned Gaspar Flores commissioner for issuing titles in the colony for five hundred families.

On the 20th November, 1827, Austin entered into another contract with the government of the state for one hundred families to be settled on the east side of the Colorado, above the San Antonio road.

On the 5th June, 1826, Austin petitioned the President for permission to colonize the vacant land lying within the ten league reserve on the coast, from the Lavaca to the San Jacinto, Rivers, and on the 22d of April, 1828, the President granted this petition, in virtue of which a contract was entered into by Austin with the state government to settle three hundred families within the ten league reserve, which contract expires six years from the 29th July, 1828, that being the day on which he signed the contract. Austin is also appointed the government commissioner for surveying the land and issuing the titles to the three hundred families within the ten league reserve colony.

Finally, in 1831, Austin contracted jointly with Samuel M. Williams to settle eight hundred families of Mexicans and foreigners in the region formerly granted to the Nashville Company. American emigrants were excluded from this colony by the law of April 6, 1830.

CHAPTER III

THE COLONIZATION LAWS

The previous chapter gave Austin's account of the circumstances that attended the passage of Mexico's first national colonization law, which was promulgated by Iturbide on January 4, 1823. This law guaranteed the liberty, property, and civil rights of all immigrants who professed the Roman Catholic religion, and to encourage their settlement in the empire agreed to give them lands on very liberal terms. Colonists who engaged in farming were to receive not less than a *labor* (a hundred and seventy-seven acres) of land, and those who engaged in stock raising received not less than a *sitio*, or league of land, containing four thousand four hundred and twenty-eight acres. Since most colonists would naturally follow both occupations, this provision was strikingly generous. Practically the only conditions imposed upon settlers were the religious qualification just mentioned and improvement of their lands within two years under pain of forfeiture.

"During the first six years from the date of the concession" the colonists were not to pay "tithes, duties on their produce, nor any contribution" whatever; and during the next six years they were to pay only half the obligations of other citizens. "All the instruments of husbandry, machinery, and other utensils introduced by the colonists for their use at the time of their coming to the empire" were to be free of duty, as well as "the merchandize introduced by each family, to the amount of two thousand dollars." Colonists who pursued some useful industry and were self-supporting and married could obtain naturalization papers; and those who married Mexican women were entitled to special consideration.

The empresario system was recognized, and expresarios, or contractors, who introduced two hundred families into the empire were entitled to a premium of three *haciendas* and two *labors* of land. A *hacienda* was equivalent to five *sitios* or twenty-two thousand one hundred and forty acres; but no one might receive more than nine *haciendas* and six *labors*—some two hundred thousand acres—no matter how many families he might introduce. Moreover, empresarios were required to alienate two-thirds of their premium lands within twenty years.

Natives were to have the preference in the distribution of the public lands; particularly those citizens who had been enrolled in the army of the Three Guarantees—the army which won independence from Spain.

Article eleven of this decree of a despotically inclined monarch might have been framed by Lloyd George nearly a century later. It provides that, "As one of the principal objects of law in free governments ought to be to approximate, so far as possible, to an equal distribution of property, the government, taking into consideration the

provisions of this law, will adopt measures for dividing out the lands which may have accumulated in large portions in the hands of individuals or corporations, and which are not cultivated, indemnifying the proprietors for the just price of such lands, to be fixed by appraisers." ¹

The overthrow of Iturbide and the annulment of all laws passed during his reign prevented this decree from going into operation. The sovereign constituent congress, while working on the constitution, framed a general colonization law which was promulgated on August 18, 1824. With a few restrictions, this authorized each state to adopt colonization laws, arranging details so as not to conflict with the national laws and constitution. The principal restrictions prescribed by this decree were: (1) That without the consent of the general government no colony should be settled within twenty leagues of a neighboring country, or within ten leagues of the coast; (2) that the general government should always have the right, with the approval of congress, to use any of such lands for arsenals, warehouses, or other public buildings; (3) that preference should be given in the distribution of the public lands to Mexican citizens; (4) that no one should retain title to more than eleven leagues of land, and that no transfers should be made in mortmain; (5) that no one residing outside the republic should hold lands acquired by this law; and (6) that the general government might take "such precautionary measures" as it deemed expedient "for the security of the confederation, as respects the foreigners who come to colonize," but at the same time it was provided that congress should not have the power before 1840 to prohibit generally the entrance of foreign immigrants who came for this purpose. Congress might, however, if it were found desirable, prohibit the entrance for this purpose of foreigners from any particular nation. It was under authority of this article that congress passed the law of April 6, 1830, stopping the settlement of colonists from the United States in Texas. Empresario contracts not contrary to the laws were guaranteed.

Under authority of this decree the state colonization law of Coahuila and Texas was promulgated March 24, 1830. The preamble declares that "the constituent congress of the free, independent, and sovereign state of Coahuila and Texas, desiring by every possible means to augment the population of its territory; promote the cultivation of its fertile lands; the raising and multiplication of stock, and the progress of the arts, and commerce; and being governed by the constitutional act, the federal constitution, and the basis established by the national decree of the general congress," makes the following offers: (1) "All foreigners, who in virtue of the general laws of the 18th August, 1824, which guarantees the security of their persons and property in the territory of the Mexican nation, wish to remove to any of the settlements of the state of Coahuila and Texas, are at liberty to do so; and the state invites and calls them." "Those who do so, instead of being incommoded shall be admitted by the local authorities of said settlements, who shall freely permit them to pursue any branch of industry that they may think proper provided they respect the general laws of the nation, and those of the state." (2) Foreigners already in

¹ This law has been summarized by the editor.

the state who wished to settle made declaration of their intention to the nearest ayuntamiento, took oath to obey the federal and state constitutions and to observe the Catholic religion, and were thereupon registered as citizens. They were thereupon entitled to land on the same conditions as natives. (3) Empresarios received five leagues and five *labors* or twenty-three thousand and forty acres of land for each hundred families introduced; but the premium could not be claimed for more than eight hundred families, no matter how many might be settled by an empresario. And, after twelve years, empresarios were required to alienate all their premium land in excess of eleven leagues. If they did not themselves get rid of their surplus the state would sell it and pay them the proceeds. (4) Families introduced by an empresario, and engaging in farming alone, received a *labor* of land; if the family also raised cattle this grant was enlarged to one league. Unmarried men received one-fourth of this amount, but upon their marriage were given the additional three-fourths,—unless they married Mexican women, in which case they got a premium of one-fourth more than other settlers. Families that came of their own accord, not under an empresario's contract, were given a premium of one *labor*, so that such a family engaged in farming and stock-raising would have a league and a *labor*. (5) The government might augment these quantities "in proportion to the family, industry, and activity of the colonists, agreeably to the information given on these subjects by the ayuntamiento and commissioners." (6) As an acknowledgment settlers were required to pay thirty dollars for a league of pasture land, two dollars and a half for a *labor* of unirrigable land, and three dollars and a half for a *labor* that was adapted to irrigation. But these payments could be made in three installments, at four, five, and six years from settlement. Collections were to be made gratis by the ayuntamientos. (7) "During the first ten years, counting from the day on which the new settlements may have been established, they shall be free from all contributions, of whatever denomination, with the exception of those which, in case of invasion by an enemy, or to prevent it, are generally imposed, and all the produce of agriculture or industry of the new settlers shall be free from excise duty, or other duties, throughout every part of the state."

To prevent boundary confusion and to avoid vacancies between grants, lands were to be surveyed as far as possible in squares. To Mexicans only the government reserved the right to sell land direct, but not more than eleven leagues might be acquired by one purchaser. The price of such grants was fixed at one hundred dollars a league for pasture land, one hundred and fifty dollars for unirrigable and two hundred dollars for irrigable land. All land had to be occupied within six years, under penalty of forfeiture, but the terms of "occupation" were not defined.

The same law provided for the establishment of towns, and commissioners were to be appointed whose duty it should be to see that the towns were "scientifically" laid off. Great care was to be taken "to lay off the streets straight, giving them a direction from north to south, and from east to west, when the site will permit it."

A list of the more important large grants made under authority of this law is given below:

Green DeWitt, April 15, 1825; to settle 400 families.

Frost Thorn, April 15, 1825; to settle 400 families.

Robert Leftwich and the Nashville Company, April 15, 1825; to settle 800 families.

Hayden Edwards, April 18, 1825; to settle 800 families.

S. F. Austin, April 27, 1825; to settle 500 families.

Martin de León, October 6, 1825; to settle 41 families.

Benj. R. Milam, January 12, 1826; to settle 200 families.

Gen. Arthur G. Wavell, March 9, 1826; to settle 400 families.

Stephen J. Wilson, May 27, 1826; to settle 200 families.

John L. Woodbury, November 14, 1826; to settle 200 families.

Joseph Vehlein & Co., December 21, 1826; to settle 300 families.

David G. Burnet, December 22, 1826; to settle 300 families.

John Cameron, May 21, 1827; to settle 100 families.

S. F. Austin, November 20, 1827; to settle 100 families.

Hewetson and Power, June 11, 1828; to settle 200 families.

McMullen and McGloin, August 19, 1828; to settle 299 families.

Exeter and Wilson, February 23, 1828; to settle 100 families.

S. F. Austin, July 9, 1828; to settle 300 families.

John Cameron, August 8, 1828, the land previously granted to Reuben Ross, amount unspecified.

Manuel R. Arispe, November 12, 1828; to settle 200 families.

Joseph Vehlein and Company, November 17, 1828; to settle 100 families.

Lorenzo de Zavala, March 12, 1829; to settle 500 families.

Martin de León, April 30, 1829; to settle 150 families.

J. A. Padilla and T. J. Chambers, February 12, 1830; to settle 800 families.

S. F. Austin & S. M. Williams, February 25, 1821; to settle 800 families. This grant included the land previously granted to Robert Leftwich and the Nashville Company.

Gen. Vicente Filisola, October 15, 1831; to settle 600 families.

José Manuel Ragueta and J. C. Beales, March 14, 1832; to settle 200 families.

Juan Vicente Campos, agent of a Mexican Company, May 1, 1832; to settle 450 families.

James Grant and J. C. Beales, October 9, 1832; to settle 800 families.

Fortunato Soto, and Henry Egerton, January 1, 1834; to settle 800 families.

The colonization law, as we have seen, permitted the sale to Mexicans of eleven league blocks of land, and under this authority thirty-four such sales were made during 1825-1829; during 1830-1831 eighty-nine such sales were made; and during 1832 and 1833 there were thirteen. Besides these large sales there were many smaller transactions, involving from half a league to six or eight leagues.

Edward's grant was annulled under circumstances described in the next chapter. The grants of Burnet, Vehlein, and Zavala were sold by them to the Galveston Bay and Texas Land Company of New York, and this company issued scrip and engaged in very questionable speculations in the United States. The grant to Robert Leftwich and the Nashville Company passed to Sterling C. Robertson, and was then revoked and regranted to Austin and Williams. Some of the contractors mentioned in the list failed to introduce a single family.

CHAPTER IV

THE FREDONIAN REBELLION

The years 1825 and 1826 passed off comparatively quietly. The tide of emigration continued to flow in, and the colonists were prosperous. A trade had recently opened between New Orleans and the colony, which enabled the colonists to obtain the long wished luxury, coffee and sugar, on which they feasted to the full; they were also able to treat their wives and daughters to a calico dress, and themselves and sons to a pair of shoes, a thing which they had not had for several years, and which were kept to wear on Sunday, or in attending a merry-making. Many of the noble dames still donned their buckskin skirts.

In the latter part of the year 1826, however, the people of Austin's colony were startled by the news of a revolt at the town of Nacogdoches, east Texas. Colonel Hayden Edwards had been granted a colonization contract by the state of Coahuila and Texas, in 1825, by which he agreed to introduce and settle a certain number of families within a defined territory, including the ancient town of Nacogdoches, which he made the capitol of his colony. In consequence of representations made to the Governor, that officer annulled his contract, and ordered him to leave the country. Edwards felt that he had been unjustly dealt by, and, determining to right himself by force, raised the standard of revolt with the declared intention to establish an independent state, and collected such force as he could, composed of Americans and Cherokee Indians.

We will now give the causes which led to this unfortunate affair, and, briefly, the law giving colonization contracts. First of the law: By the colonization law of the state of 24th March, 1825, by virtue of which Edwards obtained his contract, the Governor was authorized to make contracts for the colonization of vacant lands of the state. The applicant for a contract to introduce and settle a certain number of families within certain defined limits in Texas petitions the governor for permission to do so. If the application is granted, a certain defined territory is specified within which the new settlers are to be located. The empresario (contractor) and the colonists are to conform to the Federal and state constitution and laws; to respect all grants, legally made, prior to the contracts within said territory; the land remaining, after the empresario and colonists have received their grants, reverts to the state; they are not to sell fire arms, munitions, etc., to the Indians, nor to purchase horses or mules from them, without being satisfied that they were not stolen; the empresario to organize the militia of the colony, of which he is the chief, with the rank of lieutenant-colonel; the Spanish language is to be used in all communications to the government, and all public documents; and, lastly, a commissioner

should be appointed, in the name of the government, to put the settlers in possession of their land, and extend titles for the same. Such is briefly the requirements of the law.

Now, for the facts and causes which gave rise to the action of the state government, and that of Edwards. Edwards had been devoting his time and means to procuring settlers for his colony. He, however, labored under the misfortune of having within the limits of his colony a number of American and Mexican families, the first, from what was called the "neutral ground," had previous to this time acknowledged no government, nor law, but their own; the latter had fled the country in 1819, and stopped in Louisiana and Mississippi, and had returned to their old homes after the establishment of Mexican independence in 1822-23. Neither of the two classes were entirely friendly to the new colonists, but regarded them as intruders, and were unwilling to be governed by them. Among them were some very bad men who, in consequence of their crimes in the United States, had fled from just punishment.

Among others whom Edwards found in the colony was Colonel Ellis Bean, one of the followers of Philip Nolan, and, subsequently, of General Morelos, in the Mexican revolution of independence. He had been sent by his chief, in 1815, to the United States, to raise men for the Republican army. He arrived previous to the battle of New Orleans, in which he participated. He remained several years in the United States. In the summer of 1825 he made a visit to the City of Mexico, where he met many of his old fellow soldiers. In consideration of his services, the Mexican government commissioned him a lieutenant colonel in the permanent forces of the republic; also, Indian agent in Texas.

While in the city, Bean met Dr. John Dunn Hunter, who had been sent by the Cherokee Indians of Texas, as their agent, to apply to the government for lands they occupied, and titles for the same. They asked the government to grant them a certain territory in which they resided, to be held in common. This the government refused, but agreed to give them titles for their possessions as other settlers. Hunter returned to the nation, and reported what he had done, and the promise of the government, which was unsatisfactory and exasperated them against the government. During 1825 Bean returned to Texas and located on the Angelina river.

At this time, 1825, Colonel Edwards had gone to the state of Mississippi to procure settlers, and induced his brother, Benjamin W. Edwards, to go to Texas and take charge of the colony until he returned. After making arrangements to bring and settle his family, he returned to Texas, but, in consequence of the poor mail facilities, did not report to the Political Chief, Saucedo, until January, 1826. He informed the Chief that he had been using his best exertions since his return to establish good order and an observance of the laws, and that he had been successful, with the exception of José Antonio Sepulveda and Luis Procera—the first, had been guilty of forging drafts for money, and land titles; the latter had fled from confinement in the United States, where he left his family, and since his arrival in Nacogdoches, he had been acting as alcalde by *proxy*. Edwards further informed the Chief that his prospects for fulfilling his contract were good; and,

after transmitting copies of his official acts, hinted that if these turbulent characters had been citizens of the United States, he would have dealt summarily with them, as he had a right under the law and his contract to do.

This letter was offensive to the Chief. Edwards had correctly portrayed the character of these two obnoxious characters, no doubt; but they were Mexicans, so was the Chief. Still there were other causes of offense. In 1819 Nacogdoches was depopulated by the Royalist troops. There were none there to govern or to be governed; nor did any of them return for years. Previous to this time, however, grants of lands had been made, but had lapsed. As before stated, after independence had been declared a few of the old settlers returned, together with some new settlers. Of these there were some hundred or more in number, consisting of all ages, colors and nationality. Sepulveda and Procela, believing that the lands would become valuable and of ready sale, went to work getting up old titles to the best land in the colony, and, when necessary, did not hesitate to manufacture titles.

Edwards, aware of a number of old claims set up, in November issued an order requiring all claimants under old grants to present them, in order that such as were genuine should be reviewed, and all spurious ones rejected; and declaring further, that the lands claimed by those who failed to do so would be sold, but that those who bought the land thus sold should pay the occupant for the improvement made by them. That the first part of this order was both necessary and just is unquestionable; but it is equally unquestionable that he had no legal authority to use such lands.

The next cause of offense was an order for the organization of the militia and election of officers; also, for the election of an alcalde. In accordance with orders an election was held by Sepulveda, the acting alcalde. The first part of this order was right and in accordance with law and the contract; but the order for the election of an alcalde was unauthorized. However, the election for alcalde was held. There were two candidates—Chaplin, a son-in-law of Colonel Edwards, and Norris, the brother-in-law of Captain James Gaines, who resided on the Sabine at the crossing of the road from Nacogdoches to Natchitoches, Louisiana. Chaplin had a majority of the votes cast, but most of them were by persons living on the Sabine and other streams within the twenty border leagues reserved by the Federal Government. These votes were thrown out, and Norris was declared elected. But Chaplin's friends, counting their registered votes, declared him elected; and he took possession of the office.

A report of these proceedings was made to the Political Chief, at San Antonio de Bexar, who ordered Sepulveda, the old alcalde, to administer to Norris the oath of office as alcalde of Nacogdoches; and, if Chaplin refused to yield and deliver up the archives of the office to Norris, to take them from him peaceably if he could, but if necessary to call out the militia to enforce the order. Chaplin, however, yielded the office in compliance with the order, and Norris assumed the duties of the office.

The next cause of difficulty was occasioned by the appointment of a man by the name of Tramel, recently arrived, as ferryman at the crossing of the road from San Antonio to Nacogdoches on the Trinity

River. This appointment was made by the alcalde of Nacogdoches, regularly and in accordance with the law on the subject. Tramel, accordingly, built boats and established his ferry agreeably to contract. Soon after, however, Tramel sold his interest to another person, who took possession. It seems that there was a poor Mexican family, Sertuche, living below the ferry, at Spanish Bluff, who were in an almost starving condition; the occupant of the ferry, becoming aware of their condition, invited Sertuche and family to come to the ferry, which they did, and were furnished provisions. Sertuche, finding the situation both pleasant and profitable, obtained an order from the alcalde to take possession of the ferry, which he accordingly did. Edwards, learning this, removed Sertuche, and reinstated the rightful owner. This act of Edwards was reported to the Chief who ordered the alcalde to give Sertuche possession of the ferry, stating as a reason for so ordering that Sertuche was a Mexican and entitled to a preference. This would have been true of an application for land, but this preference only applied to the granting of land. Other instances of invidious distinction might be given, but let these suffice.

By his contract Edwards was authorized and required to organize the militia of the colony, of which he was the chief, until a different disposition was made. Such was the authority given, and the position of all the empresarios in Texas.

B. W. Edwards, who had charge of the colony during the absence of his brother, and who was in possession of all the circumstances and facts connected with the colony, and the difficulties which surrounded the enterprise, wrote a long letter to Colonel Austin, in which he gave a detailed account of the difficulties they had to contend against, and solicited his advice. He also wrote the Baron de Bastrop, then a member of the state legislature, informing him of all the facts.

Edwards' letter to Austin, which gives some details concerning the ill treatment of which he complained, is as follows:

NACOGDOCHES, July 21, 1826.

"Colonel Stephen F. Austin.

"SIR: After an absence of several months from this province to the United States, where I was detained much longer than I had anticipated in consequence of continued and serious indisposition, I returned to this place about the 1st of April last, and much to my astonishment and mortification found everything in disorder and confusion in this section of the province. I had it at first in contemplation to return back to the United States and to abandon this country forever, believing it my individual interest to do so, but in consideration of the motives that induced me here, which was the happiness and prosperity of hundreds, more than myself, and the consequent effect that my abandonment of the country and my return to Mississippi would have produced upon my numerous friends not only there but elsewhere, I determined to remain, for a time at least, an idle spectator of passing events, that I might be better able to determine upon a course for myself, which was to be decisive of the fate of so many of my relatives and friends, whose confidence in me in this enterprise imposes a responsibility truly awful indeed!

"I have now been here three months and upwards, hoping that order and confidence would be restored to this distracted community, believing that the government would bestow their attention to it, which its present condition so promptly and so imperiously demands, but, alas! every mail brings, as it is said (for we have no publication of governmental documents here), additional cause of confusion among the people, and consequent distrust of the rights and security of Americans on this side of the Sabine River; and the events of every day seem productive of new excitement against the civil authority here, in consequence of proceedings and decisions believed to be incompatible with a republican government and contrary to the fundamental principles of the Constitution of the country!

"From those considerations I came to the determination, a few days since, after mature reflection, to return to my native country, where I have a sure guarantee of my rights and security of my person and property. I was preparing to carry this determination into effect when I received a letter from Hayden Edwards, at Natchitoches, whose return I was daily expecting, informing me of his intended absence for two or three months to the United States of the North, and requesting me to take charge of his colony until his return, and to do the best I could for his interest and the benefit of the grant. This request, together with the wishes of my friends here, have influenced me for the present to remain longer, hoping that some change may take place in the present aspect of affairs.

"Thus, you see, I have taken upon myself a charge of much responsibility, which is greatly augmented by the peculiar embarrassment of the affairs of this colony, and which is not a little increased by my ignorance of the Castilian language, and my want of information in relation to complaints and charges against my brother, which seem to be almost the sole cause of all the difficulties existing here.

"Having always felt a deep interest in the success of the Americans in the province of Texas, and being personally interested myself in its advancement, I should have opened a correspondence with you immediately upon my arrival here, but for the unfortunate misunderstanding that appeared to exist, much to my regret and astonishment, between you and my brother. Although I could not believe that any just cause of difference could have been intended on either side, yet delicacy under existing circumstances forbade that I should write to you in relation to the affairs of the colony, so long as there was a possibility of an unfriendly feeling on your part against him and his colony. Having received an assurance on the part of my brother that there was no disposition on his part to commence hostility, and that he had, on the contrary, desired nothing more than a friendly understanding with you as well as all the empresarios, I was not a little gratified to learn from Colonel Leftwich, and more recently from our friend, Colonel Pettus, your declaration of amity and friendship, which does away with any restraint I may have heretofore labored under in consulting with you upon the affairs of the country of our adoption.

"In consequence of the confusion into which everything is thrown relative to the affairs of his grant, my brother thought it best, I suppose, to make a tour through some of the States with a view of obtaining

settlers as soon as possible by means of interesting men of influence and capital in his grant. This he will do even at a great sacrifice of his interests, if necessary. I was opposed to this expedition to the States at this time, and exacted a promise from him before he set out to Natchitoches that he would defer it until he could bring things to some issue with the government, which I had hoped would have been done before this time. After my arrival at this place, finding things in their present train, I urged him to open a correspondence with the different departments of the government, and to ask an investigation into his conduct without delay. This he accordingly did more than two months since, but as yet no reply to any of his communications, except a letter from the political chief, not regarding his request and remonstrance against false accusations and the characters that have made them, whose infamy is established by certificates of the highest character transmitted to him. Order after order has been transmitted here containing censure of Hayden Edwards, without any inquiry into the truth or falsehood of the accusation presumed to be made against him; and no list of charges furnished him even to give him an opportunity of self defense. In the first place, orders have been recently received here by the Alcalde (as it is said) that Hayden Edwards was not entitled to charge anything for lands. A more recent order says that all contracts already made will stand, but that none hereafter made will be good, and that any person hereafter contracting to pay said Edwards for lands shall forfeit them and be ordered out of the country. A still later order says that said Edwards shall refund whatever he may have received for lands, making it the duty of the alcalde here to compel him should he refuse. Another order a few days ago says that this town shall have its original jurisdiction (which is said to extend to the Sabine on the east, and nearly to the Trinity on the west, etc.), and that the junta alone, and not the empresario, shall dispose of said land within said district. The last order, said to be received by Tuesday's mail, directs the alcalde to inform H. Edwards that, unless he changes his conduct (without informing what it is that is complained of), his grant will be taken from him, and that he will be held amenable to the tribunal of the country.

"These last two orders, if directed by the government and if not forged or misrepresented here, speak an awful warning to Americans!

"There must be something rotten in the state of Denmark." Whether here or elsewhere, prejudice against Hayden Edwards has preponderated over justice in some department. I am slow to believe that those orders have emanated from the government itself. It cannot be that the fundamental principles of a free Constitution, cemented by the blood of thousands, is thus early trampled under foot and its most sacred principles violated in the persons of Americans, after being invited into this country with a guarantee of their rights and liberties. I have strong reason to believe that there have been some forgeries of papers here, and there exists too much evidence of the fact that letters have been broken open, directed to my brother, before he received them. This is my only hope of the fate of the colony, and consequently of the country.

"If the government can divest Hayden Edwards of half his grant,

they can divest him of the whole in the same manner; and if they can, in violation of the Constitution, confiscate or declare a forfeiture of his property, they can in like manner divest every other empresario of his rights; and what security can any American feel, should this be the case, in the tenure he may hold under them, or even the government itself?

"This is a question of serious import, and one that seems to be coming home to the bosom of every reflecting American in this section of the country, friend or foe, who is apprised of said orders (said to have been received).

"The fact is, my friend, I am becoming alarmed at the present indication of distrust and excitement that is manifesting itself every day among the Americans in this section of the province. I am too well acquainted with the character and feelings of the Americans not to feel uneasy at the present state of things. It is reported and believed that Bean has a grant to the neutral lands, and yet the alcalde is letting out said lands to his favorites, suffering them to take the improvements of others, while some rely upon obtaining their titles through Bean or his commissioner, and all doubtful of the security of their lands eventually.

"What so much adds to this confusion is the abuse of justice and the continual outrage upon the rights and liberties of the Americans by the civil authority of this place, aided and supported by the celebrated James Gaines and his followers, who seem determined to put down every man who will not bow in adoration to him, and who has independence to be a freeman. This man, by much affected patriotism for this government, and by inducing the people to believe his influence very great with the governor, etc., obtained a standing with them that has made him truly formidable to his enemies. Having been active with others in organizing two regulating companies, the object of which was no doubt laudable at first, and has done some good, he now makes use of this auxiliary aid to oppress and bear down every man who is obnoxious to him, or who does not approve of his policy of throwing the whole country into commotion, which he has done for no other purpose than for his grovelling political views and self-aggrandizement. This very man, aided by a Spaniard here named Sepulveda, of infamous character as well as himself, as the records of Louisiana bear witness, after acting with the utmost duplicity towards my brother has been the chief cause of all the evils that now exist here, so much to the detriment of the country and the almost entire loss of confidence by the moving population of the United States who have been preparing to emigrate to this province.

"It is he and this Sepulveda who set themselves to work, upon the arrival of Hayden Edwards, to create the alarm and to arouse the prejudice of the Spaniards, and even the Americans, upon which they have predicated a thousand falsehoods and fabricated the most unfounded charges, made to the government, which seem to have been taken for granted without an examination into the truth or falsehood of the accusations. Having established himself now, as he supposes, in the affections and confidence of the political chief, he assumes the character of dictator, and arrogates to himself the privileges of sending

every man into banishment who will not yield to his majesty and acquiesce in his corrupt and tyrannical proceedings. We have just heard that he has decreed the expulsion of Judge Williams and Mr. Elisha Roberts, two of the most wealthy, intelligent, industrious, and useful citizens in the whole province; but this, together with other transactions of late, have developed to the people his real character and designs, and, if I am not mistaken, he is now tottering upon his throne.

"I have been thus particular in reciting the conduct of this man because, contemptible as he is in talent and character, he has done more to produce confusion here by falsehood, intrigue, the abuse of the empresarios and of the Baron de Bastrop, and by the necessary effect of loss of confidence in the government itself, than every other man in the province of Texas.

"The fact is, the alcalde, his brother-in-law, is guided by him in all his proceedings, being very ignorant himself and a stranger to any national feeling towards his native country, as I am told, is his boast.

"Twice since I have been here have the militia from the Aes Bayou been ordered to this place under false pretexts of its being the request of the government, and of making treaties with Indians, etc., when the only object, indeed, was in reality to increase and to create a new excitement, and, if possible, violence against my brother, to favor the signs of this petty demagogue, who makes it his boast that he will be the first member to Congress from this section of the state.

"It seems now that the different chiefs of the tribes of Indians in this section of the province are to be assembled at this place in a few days (for what purpose God only knows!) at the request of the alcalde and mighty councillor!

"I was informed by General Wavell, while here, that Captain Hunter, the Indian agent, appointed by the government for that purpose, would be here about this time to form treaties with all those tribes for the security of the country. What, then, can be the policy of the alcalde's tampering with them prematurely, I cannot conceive!

"As to the administration of justice here, I can, through such a medium, give you but a faint idea. Suffice to say that it is such, however, as is alone sufficient to the interest of the officers, and subservient to their private feelings against those who are obnoxious to them. Twenty and twenty-five dollars costs is not an unusual fee-bill, or rather a charge, in a single suit. In short, the darkest period of the reign of Ferdinand does not equal the despotism that prevails here now.

"Colonel Austin, these abuses and outrages upon the Americans will not be tolerated long!

"The rumbling of the volcano has already become audible around us, and if any accident should cause its explosion in any part of its surface, not all our efforts could arrest its progress.

"It is upon you, then, that I mostly rely in preventing the storm that seems to be now coming on. It is your interest, it is mine, and that of every empresario in particular, to prevent, if possible, such a state of things.

"You already know my view relative to this country, and how much it has been my hope and wish that it would peaceably fill up

with enterprising Americans, without any interruption to their enterprise or premature collision with the authorities of the country. But, sir, I confess I am alarmed at the present aspect of affairs in this quarter. I know the American character too well to feel indifferent to what is passing here. Once shaken in their confidence in this government, an outrage upon the rights or person of one influential American will produce a spark of ignited matter that will kindle into a conflagration, which, we cannot doubt, will immediately extend itself to the sympathies of the people of another government.

"It has been from these considerations that I have been inclined to abandon the country, because I could see no advantage that was to result from an event so probable, so inevitable, without a change in affairs.

"I have been thus free in my communications to you in consequence of our former confidential conversations in relation to the affairs of this province, and in consideration of the mutual interest we must both feel in everything relative to it and conducive to its advancement and prosperity.

"I have already told you the motives that have influenced me to continue any longer in this country, and I have opened this correspondence with you in the most friendly confidence, hoping to receive from you every information and advice as to what steps had best be taken on my part in the present attitude of affairs.

"I am pleased to learn that matters are progressing better with you at present, but, rely on it, my friend, that their continuance there—and, indeed, the fate of the whole country—depends upon the speedy adjustment of the affairs of this colony. I am sensible of the importance of a personal interview with you, but this at present is impossible. I hope to hear from you as soon as possible. I should deem a private conveyance much safer than by mail.

"Accept my best wishes for your success, and, believe me, with sentiments of respect, your friend, etc.,

"B. W. EDWARDS.

"P. S.—The Americans have been under the impression that they were exempt, under the colonization laws, from taxation for ten years; yet they are told now that orders have come on requiring them to pay Sepulveda the most exorbitant prices for stamp-paper, which seems necessary to give validity to any instrument of writing between individuals, for money or what not. An acquaintance of mine, a few days since, was compelled to pay six dollars in making a transfer of a negro estimated at four hundred dollars. Pray write me your views upon this subject.

B. W. E."

To this Austin replied in part as follows:

"This is a truly disagreeable and unfortunate subject, mortifying to you in the extreme, and I hope you will credit me, when I assure you that I sympathize with you fully on account of the unpleasantness of your situation. The affair will be highly injurious to the future prospects of emigration, and of general detriment to the whole country. The subject has caused me great unhappiness, but I had deter-

mined not to interfere with it in any way—it is a dangerous one to touch, and particularly to write about. You wish me to advise you. I scarcely know what course will be best. The uncertainty as to the precise nature of the charges against you renders it difficult, nay impossible, to make a regular defence. I think, however, I would write directly to the governor of the State, give him a full statement of facts and a very minute history of the acts of your principal enemies, and their opponents, and their manner of doing business in every particular, both in regard to your brother as well as all others. State the general situation of the country, the confusion and difficulties which exist, and the cause of them, etc., in order that the government may have the whole subject fully before them, and be enabled to judge of the motives that have influenced those who have been most clamorous against you. Write in English, and make an apology for doing so, as that it is impossible to procure translators, etc. I advise the utmost caution and prudence on your part and that of all of your friends as to your expressions, for every word you utter will probably be watched and reported if considered exceptionable.”

Following the advice of Colonel Austin, Edwards wrote the governor of the state, Don Victor Blanco, and gave him a detailed account of the difficulties that had arisen; together with the stupidity of the alcalde, Norris, and the treachery of his brother-in-law, Captain James Gaines, who controlled and gave direction to all he did; also the efforts made and being made by his brother to secure settlers; and, in conclusion, he asked the governor to stay proceedings against his brother until he returned, to afford him an opportunity to make his defense.

In reply to this communication, Governor Blanco, under date of October 2, says:

“In view of such proceedings, by which the conduct of Hayden Edwards is well attested, *I have declared the annulment of his contract*, and his *expulsion* from the territory of the republic, in discharge of the supreme orders with which I am invested. He has lost the confidence of the government, which is suspicious of his fidelity; besides, it is not prudent to admit those who begin by dictating laws as sovereigns. If to you or your constituent these measures are unwelcome and prejudicial, you can apply to the supreme government; but you will first evacuate the country, both yourself and Hayden Edwards; for which purpose I this day repeat my orders to the authorities of that department—in the execution of which, as they will expel from the country all evil-doers, so they will extend full protection to those of worth, probity, and useful skill, that have settled therein, and are submissive to the laws and constituted authorities.”

Before the receipt of the above letter Hayden Edwards had returned. Feeling himself both aggrieved and insulted, he determined to resist. He made an appeal to the American settlers and to the Cherokee Indians, who considering themselves badly treated by the government of Mexico listened favorably to Edwards. On the 20th of December, Hunter, Fields, and some other chiefs, after consulting three days, entered into a solemn league and confederation. The objects of the treaty were twofold, to wit:

“1st. To divide the territory of Texas between the Indians and

Americans. This was done by giving to the former that portion lying north of a line beginning at the mouth of Sulphur Fork; thence to a point not far from Nacogdoches; thence to the Rio Grande. All the territory south of that boundary to belong to the other party.

"2d. To prosecute together the war against Mexico, until their independence was consummated."¹ The treaty was made by Hayden Edwards and Harmon B. Mayo, on the part of the Americans, and by Richard Fields and John Dunn Hunter, on the part of the Indians. The Fredonian legislature or committee that ratified it was composed of the following persons, viz: Martin Parmer president, Hayden Edwards, B. W. Edwards, John Sproul, B. J. Thompson, Joseph A. Huber, W. R. Ligon, and H. B. Mayo, on the part of the Americans; and by Richard Fields, John Dunn Hunter, Ne-ko-lake, John Bags, and Kuk-to-ke, on the part of the Indians.

The new state was named *Fredonia*. In the meantime, on the 18th of December, 1826, the Fredonians, to the number of about two hundred, took possession of the "old Stone House" and began to fortify. Having raised their flag, they began an organization of their force and government. Colonel Martin Parmer was chosen commander of the militia.

On the 4th of January, 1827, Norris, the alcalde, who had been deposed, finding the town defended by a small force,—most of the Fredonians apprehending no danger had gone to their homes,—raised a force of some eighty men and took position near the Stone House, intending to capture and hang the few Fredonians left to guard the place. Parmer had eleven men, and Hunter eight Cherokees, with whom they marched out and charged Norris's force, of which they killed one man and wounded some ten or twelve, and captured about half their horses. Norris made good his retreat and crossed the Sabine.

The following letter to Captain Aylett C. Buckner of Austin's Colony will illustrate the method adopted by the Fredonians for enlisting support from the older settlers:

"NACOGDOCHES, December 26th, 1826.

"DEAR SIR:

"Enclosed are papers, which will explain their meaning. Though a stranger to you, I take it upon myself to forward you those documents, at the request of my brother, and from a high regard for your character and true American feelings, long since known to me, I am prompted at this moment to open a correspondence with you, believing that in times like these we would both feel superior to the little formalities of fashionable intercourse, which too often cramp the hearts of congenial souls. Buckner, 'this is the time to try the souls of men'. The flag of *liberty* now waves in majestic triumph on the heights of Nacogdoches, and despotism stands appalled at the sight. I need not say to you why we have taken this bold and determined stand. You are not ignorant of our oppressions here, nor can you be less acquainted with the treachery and perfidy of this government.

¹ This is quoted from Yoakum. A copy of the treaty is printed in full in Foote, *Texas and the Texans*, I, 254-256.

"We have found documents in the office here making it evident that troops would be sent on to force us into submission to our wrongs, and to dragoon us into slavery. We are Americans, and will sooner die like freemen, than to live like slaves.

"We have not acted blindly, or precipitately in this matter. We have for some time looked forward to this issue and were prepared for it. The Indians on our North have long since intended the same thing and have only been waiting for us to say the word. They were determined to have a part of the country, which they say was promised to them by the Government; and which they will never yield. They have emigrated of late in great numbers to the northern part of the Province.

"Under these circumstances, and for our own security and protection, we have just completed a treaty with them,—designating a line to the North of this, running westwardly to the Rio Grande; securing all individual rights within their territory. That treaty was signed by Doctor John D. Hunter and Richard Fields as the Representatives of the United Nations of Indians, comprising twenty-three tribes. They are now our tried friends, and by compact as well as interest are bound to aid us in effecting the Independence of this country. The Comanches are in alliance with them, and their united efforts will be immediately directed against this base and faithless Government. We will be in motion in a short time. We have sent communications to yours, and to every district in the Province, inviting each district to appoint two delegates to assemble here and make a declaration of Independence, etc.

"On your patriotism and firmness, we much rely in promoting the glorious end. I have no doubt that the people in Austin's Colony are true Americans: Indeed I have pledged my word on it. Do not hazard too much; but my dear Sir, we can send you an ample force to secure the people of that colony, and will do it the moment we ascertain they are for Independence. We are now only waiting to ascertain that fact in due form. Morally we cannot doubt it. You are Americans and our brothers; and besides you are the sons of freemen. To arms then, our countrymen, and let us no longer submit to the caprice, the treachery, and oppression of such a Government as this!! Our friends in the United States are already in arms, and only waiting for the word. We have some little opposition on the Aes Bayou, from a few servile tools of Norris and Gaines; but the indignation of the multitude rose in the majesty of the American feeling. They have fled in precipitation and terror to the United States, there to meet the indignation and scorn of every American. The cause of liberty will prevail, and in a little time we will once more be freemen. I have written to you like an old acquaintance, because in times like these our souls should speak their unaffected feelings. Adieu. Let me hear from you without delay.

"With sentiments of Respect, etc.,

"B. W. EDWARDS."

Letters were sent to Captain B. Simms, and others, in Austin's Colony, and a general proclamation was issued,² inviting them to join

² See Foote, *Texas and the Texans*, I, 260-263.

in this quixotic scheme. The copy above discloses the plan, as well as the reliance of the Fredonians on the Indians for success.

A messenger was also sent with a proclamation to the United States asking for assistance, but upon his arrival at Natchitoches he published a statement ridiculing the revolutionists, and so prevented any response to the appeal.³

We will now show the attitude of the other colonists, and particularly of Colonel S. F. Austin, by copies of proclamations, letters and extracts. Writing to B. J. Thompson on January 1, 1827, Stephen F. Austin said:

"In wishing you a happy new year I regret I cannot add my approbation of some of your acts in the last months of the past one, though perhaps I do not understand the motives which governed you. So far as I do understand them I am compelled to say with all the frankness of an old friend that you are wrong. I hope however that you and the majority of the good people in that country have been slandered and that the reports we have in circulation here about you are false, for I cannot believe that you have so far lost your senses as to think of open opposition to the Government, neither will I believe that you have so far forgotten the land of your birth and the proud name of *America* as to disgrace that name by associating yourself with persons, and advocating a cause unworthy of it. My friend you are wrong—totally wrong from the beginning to the end of this Nacogdoches affair. I have no doubt that great cause of complaint exists against the Alcalde and a few others in that district, but you have taken the wrong method of seeking redress. The law has pointed out the mode of punishing officers in this government from the president down, and no individual or individuals ought to assume to themselves that authority; but what is past is done—let us forget it, and look to the future. If you will take reason for your guide in future and do your duty as a citizen of this government all will be right. The Chief of this department is on his way to Nacogdoches; his object is to regulate the government and do justice to all—he is a mild and good man and will never do an act of injustice to any one, and if you will come forward freely and without reserve and in a respectful manner submit to his authority, you will save yourself and family from total and inevitable ruin. You have been most astonishingly imprudent, but I do not think it is too late for you to settle all that is past, for I cannot believe that you have been so mad as to think of joining the Indians and opposing the government by force. The people of this colony are unanimous. I have not heard of one here who is not opposed to your violent measures, and there is not one amongst us who will not freely take up arms to oppose you and sustain the government, should it be necessary to do so. My wish is to befriend you all, so far as I can consistent with my duty, and if you will rely upon me and listen to my advice all will be settled easily. Separate yourself from all factions; disband your volunteer company raised in violation of law; and submit to the government freely and without hesitation, and put aside your arms. If you do this I have

³ For the address to the people of the United States see Foote, *Texas and the Texans*, I, 272-276; for the messenger's statement see *A Comprehensive History of Texas*, I, 533-534.

no doubt but everything will be satisfactorily settled; take the opposite course and you are *lost*, for you need not believe those who tell you that this government is without force. They can send three thousand men to Nacogdoches, if it should be necessary, and there is not a man in this colony who would not join them. Think what you are about my friend and save yourself by adopting the course I have pointed out before it is too late. Farewell; may you have a happy New Year, but whether you will or not depends entirely on yourself."

On the same day Austin wrote to the people of the lower Brazos warning them to be loyal to the government. His address was as follows:

"SAN FELIPE DE AUSTIN, January 1st, 1827.

"To the Inhabitants of the District of Victoria.

"MY FRIENDS: An important crisis has arrived, in the progress of this country, and in the destiny of this colony. We stand high with the government and an opportunity is now presented of raising our characters still higher and placing this colony on a firm footing as regards the opinion of the government, and I think there is not one man in the colony who will not with pleasure embrace it.

"A small party of infatuated madmen of Nacogdoches have declared Independence and invited the Indians from Sabine to Rio Grande to join them, and wage a war of murder, plunder, and desolation on the innocent inhabitants of the frontier. The leader of this party is Martin Parmer; and Jim Collier, Bill English, the Yokums, and men of that character are his associates. Agreeably to information received this day under date of 28th December this party is about forty strong. All the well disposed and honest part of the people on Aes Bayou are decidedly opposed to them, and there is a force of seventy men united there against the Nacogdoches madmen and in favor of the government.

"The chief of department and the military commander will be here to-morrow or next day on their way to Nacogdoches, and I wish to raise an escort of about thirty men to go on with them. This is a mark of respect we owe these officers, and at this particular time it will have a decisive influence on the future prospects of this colony. It will also have a very great influence in the quieting and settling the difficulties in that part of the country, for the men who go on from here, by their presence under the banner of the government will at once dissipate the errors which those people have been induced to believe by a few artful men, as regards the part this colony would take. It will have a much better effect for the people to volunteer on this service than to be called on officially, and in order to give them a full opportunity of showing their patriotism and their love of good order, virtue, and justice, I have made no official call, but merely appeal to you as men of honor, as Mexicans, and as Americans, to do your duty, but I am happy to say that, in this instance, they are the same. It is our duty as *Mexicans*, to support and defend the government of our adoption, by whom we have been received with the kindness and liberality of an indulgent parent. It is our duty as *men*, to suppress vice, anarchy, and Indian massacre. And it is our duty as *Americans* to defend that

proud name from the infamy which this Nacogdoches gang must cast upon it if they are suffered to progress. It is also our interest, most decidedly our interest, to do the same, for without regular government, without law, what security have we for our persons, our property, our characters, and all we hold dear and sacred?

"None, for we at once embark on the stormy ocean of anarchy, subject to be stripped by every wave of faction that rolls along, and must finally sink into the gulf of ruin and infamy.

"The occasion requires an effort on the part of the people of this colony, and to give it its full force I wish that it should be voluntary and unanimous. And I wish the inhabitants in the District of Victoria to meet and adopt such resolutions on this subject as their patriotism may suggest, and to come out openly and above board in expressing their disapprobation of this Nacogdoches business and make an offer of their services to the Governor to march against the insurgents, should it be necessary to do so. And then appoint a committee to wait on the chief of department with the respects of those inhabitants and to present the resolutions. Such a thing will be done by every other part of the colony and will have a very happy influence on our future prosperity—

"I wish the men who volunteer to go on with the chief to be here as soon as they can conveniently prepare themselves for the trip, ten men from the District of Victoria will be enough, unless more wish to go, for it is a good and honorable service.

"I have no doubt that you will be active and prompt in this business and embrace the opportunity that is now presented with pleasure. Wishing you a happy New Year, I remain very respectfully your friend and fellow citizen and recommend to you *Union* and Mexico."

. Again toward the end of the month, after the failure of efforts to patch up the trouble, Austin issued a stirring address to his colonists, urging them to unite with the authorities in suppressing the rebellion. Perhaps its tone may seem unduly harsh, but it must be remembered that Austin considered it a matter of life and death importance to convince the government of the loyalty of colonists. He said:

"The persons who were sent on from this colony by the chief of department and military commandant to offer peace to the Nacogdoches madmen have returned without affecting anything. The olive branch of peace that was magnanimously held out to them has been insultingly refused and that party have denounced massacre and desolation on this colony. They are trying to excite all the northern Indians to murder and plunder, and it appears as though they had no other object than the ruin of the whole country. They are no longer Americans, for they have forfeited all title to that high name by their unnatural and bloody alliance with Indians. They openly threaten us with Indian massacre and the plunder of our property. Ought we to hesitate at such a moment? No. They are our countrymen no longer. They have by a solemn treaty united and identified themselves with Indians, made common laws with savages, and pledged their faith to carry on a war of murder and plunder against the peaceable inhabitants

of Texas. They are worse than the natives of the forest with whom they are allied, and it is our duty as men, as Americans, and as adopted Mexicans, to prove to those infatuated criminals and to the world, that we have not forgotten the land of our birth, nor the principles of honor and patriotism we inherited from our fathers, and that we are not to be dictated to and driven into crime and anarchy by a handful of desperate renegades. The civil and military chiefs of Texas accompanied by a chosen band of national troops march with us, who in union with the brave and patriotic militia of the colony will be fully able to crush in its infancy this mad unjust and unnatural rebellion.

"To arms Fellow Citizens! To arms in the cause of liberty, of virtue, and justice. To arms in defense of your property, your families, your honor. To arms in defense of your adopted government, and hurl back the thunder upon the heads of those base and degraded apostates from the name of Americans who have dared to insult you by a threatening invitation to join them in this mad and criminal scheme.

"Every man able to bear arms is now wanted. Temporary inconvenience, and loss must and ought to yield to necessity and duty; you will receive pay allowed by law to national troops of the same class, and the commander will see that it is punctually discharged as soon as possible.

"The people of the colony after a full understanding of the pretended cause of complaint on the part of the rebels, as well as of the mild and magnanimous course of the government in offering them a full and unreserved amnesty and an impartial and public investigation of their alleged grievances, have unanimously, solemnly, and voluntarily pledged themselves in writing to the government, to oppose the factionists by force of arms. You are bound in honor to redeem the said pledge.

"To arms then my friends and fellow citizens, and hasten to the standard of our country. Hasten to the field of honor and of duty. Hasten to the protection of your property and families, and all that you hold dear and sacred upon earth. The approbation of every honest and honorable man in your native country, of your adopted government, and of a just and omnipresent God, and the consciousness that you will have done your duty and saved yourselves will be your reward.

"The first hundred men who were called out from this colony will march on the 26th inst. I now conjure you to turn out in mass, and join us as soon as possible.

"The necessary orders for mustering into service and other purposes will be given to the commanding officers.

"Union and Mexico.

"SAN FELIPE DE AUSTIN, 22d January, 1827."

Previously Austin had written to John Dunn Hunter, pointing out the hopelessness of any attempt to gain land for the Cherokees by uniting with Edwards, trying to persuade him to break off the alliance with the Fredonians, and promising the use of his own influence in securing lands for them if they would keep the peace. His letter was as follows:

"SAN FELIPE DE AUSTIN, January 4th, 1827.

"Mr. J. D. Hunter,

"DEAR SIR: Report has informed me of the interest you are taking in favor of the Cherokees. Your object in uniting temporarily with the Nacogdoches insurrection is to procure lands for the Cherokees from the Mexican government. To suppose for one moment that your object is civil war and rebellion would be to suppose you destitute of that intelligence, integrity, and judgment which you have always manifested on all occasions, so far as I have heard of you. The object, then, I take for granted, is to procure a legal title from the Mexican government for lands for the Cherokees, and in this object I will aid you if legal steps are taken. I know that the Cherokees can get their lands if the legal steps are adopted, *and if they take the wrong course they are lost*. The ruin may not be immediate, but it will ultimately fall and overwhelm them and their friends. I hope to see you shortly in company with the Cherokee chiefs in conformity with the request of the chief of this department and the commandant of arms and *I can then prove to you that this opinion is well founded*.

"When you were here I expressed myself fully as to the Cherokees, and unequivocally stated I was a friend of those Indians and would take interest in their affairs, so far as my duty to this government would permit.

"The chief of department is now here and apprises me that the government never have refused nor will refuse to comply with the promises made to the Cherokees. You well know the delays attending the dispatch of governmental business at any time, and more particularly in a government situated as this is, just formed and scarcely organized—delay was to be expected, but this is no proof that the business of the Cherokees would not be finished. The Government has never refused them lands, has never expressed any dissatisfaction at their settling where they now are, and I have no doubt will be willing to give them a title to lands at that place. So that the way is perfectly clear and plain—bring in the Cherokee chiefs to this place, or to the Trinity River, to see the chief of department, as he has requested, and all will be right. *There is a happy moment in the tide of all events*, and men of talents know when that moment arrives and how to use it. If you are the man of talents I believe you to be, and are actuated by the benevolent feelings towards the Cherokees which you profess, you will see that the favorable moment in the tide of their affairs has arrived, and you will embrace it. *Before the sword is drawn the government will yield a little to the Cherokees to keep it in its scabbard, but once drawn and stained with blood they will never yield one hair's breadth, and nothing short of the extermination or expulsion of that nation will satisfy them*. The happy moment then has arrived, use it prudently and promptly, and you serve the Cherokees, the cause of humanity, and save the country from a war of massacre and desolation.

"My dear sir, let us examine this subject calmly, let us suppose that the Indians overrun the whole country and take possession of it for the present as far as the Rio Grande and drive out and massacre all the honest inhabitants, what will they gain? What kind of a government will they establish? How will they sustain themselves? You

know the Indians well enough to know that so many different tribes and habits and languages cannot be organized into anything like a regular government, or government of any kind, and would not long agree among themselves. When the Spaniards and Americans are driven out and there is no common enemy to contend with, *they would fight* amongst themselves, and nothing but confusion and massacre and plunder would be the consequence. As to the miserable Americans who might remain and form a part of such a combination, they would be too insignificant both as to character, or property, or numbers to effect anything or to have or deserve to have any influence in any way. All would be Indian. But admitting you succeed this far and get possession of the country temporarily, how are you to keep possession?

"The Mexican nation has force to subdue you, and even admitting they had not, she can procure it from the United States of the North, for both Nations would unite in crushing a common enemy to both, and annihilating so dangerous and troublesome a neighbor as a large combination of Indians would be. But admitting the government of the United States would not furnish troops, and this government could not subdue the country, *they would cede it to the United States*, were it for no other reason than to get rid of such neighbors; and the United States would soon sweep the country of Indians and drive them as they always have driven them to ruin and extermination. So that admitting this madness, this independence, succeeds to its full extent, the parties concerned have nothing but ruin in prospect, and will either cause the country to be desolated, or throw it into the hands of the United States, and in either case the Indians are *lost*, past redemption to it.

"It is reported on the *best authority* that this government has already ceded this country to the United States. The report comes from the East and the West. *Now, then*, is the happy moment in the tide of Cherokee fortunes, get titles for them from this government before the treaty is ratified, and they are safe; delay it with the delusive hope of taking the country, and they are lost. *You* know the government of the United States and its policy as respects lands and Indians.

"I write you freely and frankly, as a true friend of the Cherokees and of virtue and justice. Reflect on these matters. They *now* have a friend in me who can and will serve them, if they take the legal course. They *now* can bring their affairs to a happy issue, or they can ruin themselves, the American population, and the country.

"As respects the Edwardses they have been deceived or are deceiving themselves as to my feelings towards them, and the letters of the chief of department and commandant of arms to Hayden Edwards ought to be sufficient to prove to them that I have, at least, done nothing against them. This government have by those letters offered a complete and full and unequivocal oblivion as to the occurrences at Nacogdoches since the commencement of these last disturbances, provided they now cease. This places Edwards and the others on the same ground they occupied before this affair. Also the door is open for a new hearing, as if you please, a hearing in full (supposing none to have been heretofore had) as to the affairs of his colony and everything connected with his acts since he came to the country.

"The personal security of all concerned is guaranteed expressly by the chief in his letters, while these matters (whose origin was previous to the last disturbances) are under investigation; and as to the union and acts of the party at Nacogdoches, there will be no investigation of any kind, for the general oblivion settles all that forever as respects the government. The door is therefore thrown open without reserve for all to come forward freely and under the guarantee of their personal security to present their complaints to the tribunals of justice, be those complaints of whatsoever nature. Edwards can have an opportunity of showing that the information given against him by the local authority of Nacogdoches was false, and that the government has been deceived by those subordinate officers, and if he proves this, justice and equity and honor will at once say that if injustice has been done to him by a hasty decision, *that* decision should be reversed. The way is now perfectly clear for you all to embrace this favourable aspect of things with the promptness and moderation you ought to do, and all your affairs will end well; take an obstinate stand, and ask too much, and you are all lost, for the Americans *will not* uphold any party contrary to justice, law, and reason. This colony is now united to a man and ready to march under the banners of the nation to sustain the government. What will they do if these pacific and benevolent measures on the part of their government are not met with the respect and promptness by the opposing party which they so justly merit?

"As to myself I am your friend, so far as my duty to this government and to the cause of justice will permit. Beyond this I am your open enemy, and so is every man of honor in the country.

"The chief expressly states in his proclamation to the citizens that his object in visiting this part of the country is to hear the complaints that may exist against the local authorities of Nacogdoches, and I can assure you that those complaints will be heard and those authorities dealt by as the law prescribes, if the proper steps are taken.

"Come, therefore, and bring the Cherokee chiefs and the Edwardses and see the chief of department and commandant of arms. Come quietly and without hesitation, I pledge myself, and this colony will sustain the pledge, that your personal security shall be sacred if you come in that frank and respectful manner which is due to the authorities of government.

"Let me hear from you, but let it be with frankness. The road to peace and happiness is now opened—look at it and the happy prospects it leads to, and look at the road that leads to rebellion and civil and Indian war, and *its* results, and make your election.

"Yours respectfully,

"STEPHEN F. AUSTIN."

Finally, on January 24, Austin wrote directly to the Cherokees, urging them to withdraw from the unwise alliance with Edwards:

"To My Friends and Brothers, the Chiefs and Warriors of the Cherokees Living in Texas:

"This will be delivered to you by two of your old friends and

brothers, John Cummings and William Robbins. They will tell you the truth, listen to their council and follow it.

"My brothers, I fear you have been deceived by bad men who wish to make use of you to fight their battles, they will ruin you and your people if you follow their council. The Governor wrote to you and sent on Judge Ellis of Huntsville, Alabama, and Mr. James Cummings from the Colorado, and James Kerr from the Guadalupe to see you at Nacogdoches and tell you the truth. But I fear John D. Hunter has concealed the letters and the truth from you, for he and Edwards would not suffer those men to talk with the Indians. I therefore now send you copies of the same letters that were sent by the Governor and delivered to Hunter, which he promised to send to you immediately. By those letters you will see that government have never had any intention to break the promises made to you, and that they are ready to comply with them provided you do your duty as good men.

"My brothers, why is it that you wish to fight your old friends and brothers, the Americans. God forbid that we should ever shed each other's blood. No, let us always be friends, and always live in peace and harmony. The Americans of this colony, the Guadalupe and Trinity are all united to a man in favor of the Mexican government, and will fight to defend it. We will fight those foolish men who have raised the flag at Nacogdoches; we will fight any people on earth who are opposed to the Mexican government, and we are all united as one man. The bad men who have been trying to mislead you have told you that we would all join. This is not true; not one of us will join them. Those bad men have told you that Americans would come on from the United States and join them; this is not true. A few runaways and vagabonds who cannot live in their own country may join them, but no others. The American government will not permit such a thing, and if the government asks, it will send troops to aid us.

"Why do you wish to fight the Mexicans, they have done you no wrong; you have lived in peace and quietness in their territory, and government have never refused to comply with their promises, provided you do your duty as good men. What then, is it you ask for or what do you expect to gain by war?

"My brothers, reflect on your situation, you are on the brink of a dreadful precipice. The Cherokees are a civilized and honorable people, and will you unite yourselves with wild savages to murder and plunder helpless women and children? Will you unite yourselves with bad men of any nation to fight and plunder peaceable inhabitants? No, my friends, I know you will not. Bad men have tried to make you believe that the Mexican government has neglected you, and you have for this reason complained, but, my friends, those bad men have deceived you. The government have a great deal to do, the government is new, and it requires much time and attention to regulate all its different branches; and this may have delayed your business, but is no proof that it would never be done. Open your eyes to your true interests, drive away those bad men who wish to lead you into ruin and crime. With Cumming and Robbins see the Governor, and your true friends, and all will be right.

"My brothers, Edwards is deceiving you. He once threatened to take your land from you, and would have done it if he could, but he had no right to interfere with you. The government gave him no right to disturb you, and he is the only man who has ever attempted to molest you, and now he pretends to be your friend and wants you to fight his battles and ruin yourselves. Will you suffer such a man to deceive you? The government annulled his contract because he was trying to take away land from those who were settled before he went there; he tried to take away your lands, but the government stopped him and defended and protected your rights, as well as the rights of the whites, and will you fight for such a man and turn against the government that has protected you from his attempts to ruin you? No, my friends, you will not; you have been deceived by him, leave him and come and see the Governor and hear the truth.

"STEPHEN F. AUSTIN,

"SAN FELIPE DE AUSTIN, 24 Jan., 1827."

Austin spoke truly in saying that the older colonies were united against the Fredonian movement. Many municipalities and villages adopted resolutions, expressing their loyalty to the government. A few will suffice to show the temper of all. The following resolutions were unanimously adopted by a meeting of the citizens of Mina, Austin's Colony, on the 4th of January, 1827:

"1st. We unanimously declare our firm resolution to support the Mexican Constitution and the Constitution of the State of Coahuila and Texas.

"2d. We feel deeply incensed at the conduct of those Americans at Nacogdoches who have openly raised the standard of Rebellion against the Government, and offer our services unanimously to suppress it.

"3d. We would wish the Government to understand clearly and distinctly that those traitors at Nacogdoches, at least the leading men are of infamous character, who have been obliged to fly from the United States for murder and other crimes committed there.

"4th. We likewise from the personal attachment we feel towards the Governor as the chief executive officer of our state wish him every success, and that he may be able to quell in a short time the insurrection, and restore peace and harmony to the people."

A committee consisting of William Kincheloe, William Selkirks and Isaac Philips, was appointed to present the resolutions to the Political Chief. The proceedings were signed, Thos. M. Duke, Alcalde.

Two days later the inhabitants of San Felipe and the surrounding country declared that "they view the attempt of the Nacogdoches party to declare independence and call in the aid of Indians to wage war against the peaceful inhabitants of Texas with the most decided disapprobation and are ready to rally round the standard of the Mexican Nation and sustain its government and authority by force of arms whenever called upon.

"The inhabitants frankly and freely declare that they are satisfied with the government of their adoption, that they are gratified [grateful] for the favors they have received from it, and have full reliance on its

justice and magnanimity, and that they will take up arms in its defence whenever necessary to do so.

"With the greatest pleasure they receive the chief of this department and commandant of arms and respectfully present to those distinguished officers their most sincere welcome and congratulations on their arrival in this colony, and through them to the superior government the assurance of our firmness and patriotism in defence of the liberty, honor, and rights of the Mexican Nation to which we have the honor to belong.

"*Resolved* by this meeting, that this declaration be signed by the Alcalde in the name and in behalf of the inhabitants of this District and that two persons be appointed a committee to present one copy of them to the Chief of Department and another to Col. Mateo Ahumada, the commandant of arms of this Department of Texas. Done in the town of San Felipe de Austin, this 6th day of January, 1827.

"M. M. BATTLE, *Alcalde*.

"DON JOSE ANTONIA SAUCEDO, *Chief of Department*."

On January 7, Captain George Orr of the Atascosito district wrote Austin:

"We are alarmed and quite uneasy from reports flying about the country respecting the transactions going on at Nacogdoches—so much so that I have determined to send an express to you to get information and advice concerning them. We understand that a considerable force is embodied at Nacogdoches, that Hayden Edwards is of the party, that they have hoisted the American standard, and are plundering and confiscating the property of such as do not join them, we have intimations also that they intend moving this way or sending a detachment to regulate us. We are entirely ignorant of their ultimate design or of the cause of their thus doing or of the principles upon which they are guided, or rather, as I should think, misguided. For my part, I acknowledge allegiance to the legitimate Mexican authorities and no others, and such I believe is the sentiment of the inhabitants of this district. I request of you under these circumstances such information and advice as you may conceive it proper and expedient to entrust to me respecting the causes of this revolt, their objects and principles, what course government is pursuing or will pursue with respect to them, and what in your opinion it will be proper for the well disposed inhabitants of this district to do. Whatever you shall please to communicate you can if you please communicate in confidence, or to be made public, and your injunctions shall be strictly observed in that respect. The bearer of this, Mr. Robert Berry, will receive your answer.

"I am very Respectfully Your obt. Svt.,

"GEORGE ORR.

"*To Col. Stephen F. Austin, San Felipe de Austin.*

"P. S. Please to be full and explicit, and from time to time as you may have opportunity or necessity may require, send me information."

Finally, at a meeting of the inhabitants of Colonel DeWitt's Colony, held at DeWitt's Station, on the Lavaca, Sabine River, the following resolutions were unanimously adopted:

"That the people of DeWitt's colony, at the establishment on the Lavaca, notice having been given for that purpose [met]. Mr. Byrd Lockhart was called to the chair, and James Norton, Esq., was chosen secretary, when the following resolutions were read and unanimously adopted:

"1st. That the people of the Colony came to, and settled in the Mexican Nation, by the benign influence of her laws; that as adopted children they have full confidence and faith in the equity, justice, and liberality in the Federal and State Governments of their new parent.

"2d. That their great object in leaving their parent country and emigrating hither was not for the purpose of unsheathing the sword of insurrection, war, bloodshed, and desolation, but as peaceable and industrious subjects; to cultivate and inhabit the bounteous domain so liberally extended and offered them by the governors of the land of their choice.

"3d. That we hope that the Mexican Nation will draw a just line of distinction between the honest, industrious and peaceable American emigrants, and those of bad character, whom we consider refugees and fugitives from justice, who have raised the flag of 'Independence' at Nacogdoches, but with them have spread confusion, robberies, oppressions, and bloodshed: that we look upon the ring-leaders of that party with contempt and disgust, and that they are unworthy the character of Americans.

"4th. That we pledge our lives and our fortunes to support and protect the constitutional authorities of this, our much beloved and adopted country.

"5th. That we feel every sentiment of gratitude towards our fellow-citizens and brothers, His Excellency the Political Chief, and the officers and men with him for their indefatigable exertions, by forced marches, etc., to allay, suppress, and bring to condign punishment those persons who may be found guilty of treason against this government, and to establish subordination, good order, and tranquillity.

"6th. Resolved, that the chairman and secretary sign the foregoing resolutions, and transmit the same to Colonel Stephen F. Austin, and that he be requested to translate them, and submit them to His Excellency the Political Chief.

"Done at the Lavaca Station in DeWitt's colony this 27th day of January, 1827.

"BYRD LOCKHART, *Chairman.*

"JAMES NORTON, *Secretary.*"

On the receipt of the news of Edwards's movements at San Antonio de Bexar, the capital of the department of Texas, the Political Chief at once adopted measures to put down the revolt. Colonel Ahumada, the commandant at Bexar, was ordered to march to the seat of war with as little delay as practicable. At the same time, the chief issued an order to Colonel Austin, to raise such a force of the militia of his colony as he could speedily collect, to act with the national troops, who would join him in San Felipe de Austin. Austin, in obedience to this order, called together a respectable number of his colonists; but, at the same time despatched commissioners to Nacogdoches to confer with Edwards, and, if

possible, get him to desist. But Edwards would not consent, saying that he was able to maintain the position he had taken. On the return of the commissioners, Captain William S. Hall, one of them, reported to Col. Austin the result of this mission, which was, that they had been unable to effect anything satisfactory; that Edwards had but a small force, which the commissioners, from information and observation, were of opinion he would not be able to raise to any considerable number.

Early in January, 1827, Colonel Ahumada and his forces arrived in San Felipe de Austin, where they remained a few days to rest and refresh themselves, as they had had a fatiguing march, the road being heavy from recent rains. On their arrival they found Austin in readiness with a respectable force of colonists.

All things being ready, in a few days they took up the line of march in all the pomp, pride, and circumstance of war. The Mexican soldiers were well dressed in military uniforms, which contrasted strikingly with the dress of the hardy pioneers of the colony, which was composed of buckskin, cottonade, and linsey-woolsey, and head-gear to match. The colonists had managed to get an old four-pounder gun, the balls for which were manufactured by the blacksmith of the town, David Carpenter, and were neither round nor square. On the second day of the march, in firing the morning gun, the four-pounder lost some six or eight inches from one side of her muzzle. Notwithstanding, she was kept several years, and dubbed "Marley Waller," in honor of the gentleman of that name, who had charge of her. Fortunately no one was injured by this accident, and all moved forward in high spirits.

On the march they were joined by settlers on the Trinity and San Jacinto. After a fatiguing march, on account of rains and the state of the road, when near Nacogdoches, they were met by a courier who informed them that Edwards had disbanded his troops and evacuated the place, which they entered in triumph, with the honors of a bloodless victory.

The inhabitants of the town and surrounding country, that is, such as had joined Edwards, by the influence of Colonel Austin, were assured that they had nothing to fear from the government; that they should go to their homes and pursue their ordinary occupations as if nothing had happened, and in due time should be put in possession of their lands.

Of those who had joined in the revolt, we will mention three who had been conspicuous,—Colonel Martin Parmer, the "Ring-tailed Panther," Major John S. Roberts, and Captain Francis Adams. The first followed his leader and did not return to Texas until 1831; the two latter remained and took an active part in our struggle for our rights and independence.

It is due to Colonel Austin and his settlers, and those of Colonel De Witt, as well as those on the lower Trinity, to say that they not only disapproved of the conduct of the Fredonians, but turned out and joined the Mexican force sent against them.

Whatever may be said in favor of Edwards's course, it is clear and undeniable that his acts, in the first place, were only in part authorized by law or his contract; that the decree of the governor of the state, while hasty and unjust, was still based on official reports of subordinate officers, hence, he felt it to be his duty to annul the contract, and order him to

leave the territory of the Republic; but at the same time he informed Edwards, if he felt grieved, that he could lay his case before the federal authorities, but must first leave the country. Here was offered an opportunity to Edwards to place himself right, and in not doing so he placed himself clearly in the wrong.

In the second place, after he had raised the standard of revolt and formed an alliance with the Cherokee Indians, the olive branch was held out to him, for on the arrival of the chief of the department of Texas, and Colonel Ahumada and his troops at San Felipe de Austin, Colonel Austin interposed in behalf of these misguided men. The chief, acting upon the advice of Colonel Austin, issued a proclamation of free pardon to all who had participated in the revolt and would submit to the laws and constituted authorities of the state. To Edwards he offered a hearing before the proper authorities of the state when he would have an opportunity of proving the malversations of Sepulveda and Norris, his accusers. This offer was neglected, and he pursued his evil course. These facts leave no excuse, or color of excuse, for rebelling against the government, and still less for the league which he entered into with Indians.

In concluding this important affair, unfortunate for Edwards and unfortunate for the colonists, as subsequent events prove, we append the opinion of two distinguished citizens. David G. Burnet said, "It was quite inevitable, without supposing Austin an infatuated visionary, which he was not, that he should promptly unite with his lawful chief in suppressing an insurrection so wild and impracticable." James H. Bell said: "This Fredonian disturbance has been little understood, and when the details of it are made known it will be seen that the movement could lay no just claim to be considered as an honorable and praiseworthy effort in the cause of freedom and right, and that Austin's course in respect to it was the only one that a man of sense and honor could pursue."

CHAPTER V

GROWTH OF DISTRUST BETWEEN THE SETTLERS AND THE GOVERNMENT, 1827-1831

In March, 1827, the constituent congress of Coahuila and Texas completed the State constitution. The two provinces had been united by a federal decree of May 7, 1824, and the state congress had been in session since August of that year. Besides adopting the constitution it had exercised during its session, the legislative power, and many important laws, including the colonization law of the state, had been passed. The Baron de Bastrop represented Texas in this body, and the Texans during part of the session had private agents at Saltillo to watch the progress of the constitution and try to safe-guard the interests of Texas by influencing the deputies.

The constitution divided the powers of government into the familiar legislative, executive and judicial departments. The legislature, or congress, was composed of one house, and until 1832 the number of deputies was fixed at the maximum of twelve. After that time congress might increase its members on the basis of one representative for each one thousand souls, reapportionment being made every ten years. Deputies were elected for two years. They must be twenty-five years of age, and foreign born citizens were required to have resided in the republic for eight years and to have a property qualification of eight thousand dollars, or income of one thousand dollars a year. Congress was required to meet every year on the first of January; and every alternate year, following a state election, a second session was held in September. The January session lasted four months, and the September session was limited to thirty days. Deputies were to receive such compensation as the preceding congress fixed, and for the first deputies who should convene under the constitution the salary was placed at a hundred *pesos* a month, with mileage of ten *reales* (a dollar and a quarter) a league, going and returning. The powers of congress were enumerated, and covered those functions usually possessed by legislative bodies in the United States. It is worthy of note that the deputies were enjoined by the constitution to "promote and encourage public knowledge and education by laws, and the progress of the sciences, arts, and useful establishments, removing the obstacles that retarded such commendable objects."

Laws were subject to the veto of the governor, but could be passed over his veto by a two-thirds vote. The method of veto was somewhat different from that which obtains in Anglo-American assemblies. The governor first discussed the bill with his council, of which something will be said later, and returned it to the house with his objections. At the same time he sent with it, to represent him in the debate which was to follow, a public speaker to argue against its passage. If, however, two-

thirds of the deputies present so voted, it was passed, and the governor was required to promulgate it forthwith.

During its recesses congress was represented by four members chosen for that purpose, called the "permanent deputation." The duties of this body were declared to be: (1) "To watch over the observance of the constitutive act, constitution and general laws of the union, and the private laws of the state, in order to give notice to congress of the violations it may have noticed." (2) To convoke extra sessions of congress when needed. (3) To act as a credentials committee and install new deputies after an election. (4) To organize a new session of congress and to administer the oath of office. (5) In cases of emergency the permanent deputation might exercise the legislative power, reporting its acts to the congress at its next meeting.

The governor exercised the usual executive functions. He must be a native of Mexico, and must be thirty-five years old. His term of office was four years, and he could not be re-elected to succeed himself. In the exercise of his duties he was assisted by an executive council of three members. He was required by the constitution to consult the council in certain matters, as in the veto of a law, for example, and he might ask its advice in other matters, though there was apparently no obligation upon him to follow the advice given. The executive council co-operated with the permanent deputation in calling extra sessions of congress. It was presided over by the vice-governor. This official had even less to do in the government than does the lieutenant-governor under our present constitution. He was *ex officio* political chief of the department in which the state capital was located, but apparently he did not necessarily exercise his privilege in this respect; and he could also preside over the sessions of the executive council, but in this he had no vote except in case of a tie. His only real function was to act in place of the governor, in case of the latter's incapacity.

The judicial system was vaguely treated in the constitution. Certain local officials had minor jurisdiction, and there was a supreme court which sat at the capital with appellate jurisdiction. Defendants in criminal cases who were required to give information concerning their own actions should do so without oath; "torture and compulsion shall never be used;" and "one of the main objects of attention of congress shall be to establish the trial by jury in criminal cases, to extend the same gradually, and even to adopt it in civil cases in proportion as the advantages of this valuable institution become practically known." In conformity with this injunction congress passed a judiciary act on April 17, 1834, extending trial by jury to both civil and criminal cases and more clearly defining the judicial system. A *comisario* and a "judge of first instance," or "primary judge," corresponded generally to the present justice of the peace and county judge, respectively; and the state was divided into three judicial districts, with a district judge in each. The whole state was "formed into one judicial circuit," "denominated the Superior Judicial Court of Texas," and it was declared that "The Superior Court shall be composed of one superior judge, one secretary, and one sheriff, for each judicial district." The superior court was to open its sessions at Bexar on the first Monday of January, April, and August;

at San Felipe on the first Monday of February, May, and September; and at Nacogdoches on the first Monday of March, June, and October.

The system never went fully into operation, because of the approach of the Revolution, and such contemporary references as we have to the courts leave the form of the superior court in uncertainty. From the terms of the law just quoted it seems plain that the court was to be composed of at least three justices, one from each district. But David G. Burnet, who was appointed district judge for the San Felipe, or Brazos district, wrote in 1859 that "Thomas J. Chambers was appointed Superior Judge. . . . The Superior Court was never organized. . . . The District Judge held his regular sessions at San Felipe for three or four consecutive terms, and disposed of many cases without a let or molestation. The Superior Judge has received thirty leagues of land for his judicial services. The District Judge has received literally nothing—no land, and not money enough (a few perquisites) to defray his traveling expenses."

Superior judges were to be appointed by congress on nomination of the governor; they held office during good behavior; and were entitled to a salary of three thousand dollars a year. Court proceedings might be carried on in both the English and the Spanish languages. Eight jury men out of twelve were sufficient for a verdict. The law probably reflects the influence of the Texans in the state congress. Burnet says that Chambers was in attendance when the law was passed, and suggests that he may have had a hand in framing it.

For local administration the constitution divided Coahuila and Texas into three departments, all Texas constituting the Department of Bexar, with its capital at San Antonio. Over this department a political chief presided. He was nominated by the local municipalities and appointed by the governor, for a term of four years. His salary was eight hundred dollars, and he had an allowance of four hundred dollars for clerk hire and other office expenses. He was the principal executive officer of his department, responsible for its tranquillity and good order. All laws and instructions from the superior authorities had to be promulgated by him, and he was the medium through which the citizens communicated with the government.

In January, 1831, the eastern part of Texas was erected into the separate department of Nacogdoches, with its capital at that town. The western boundary was defined as beginning "at Bolivar Point on Galveston Bay; thence running northwesterly to strike between the San Jacinto and Trinity Rivers, following the dividing ridge between the said rivers to the head waters of the San Jacinto; thence following the dividing ridge between the Brazos and Trinity to the head waters of the latter, and terminating north of the source of the said Trinity upon Red River." Again, in March, 1834, the department of Brazos was created between the departments of Bexar and Nacogdoches, the line between the department of the Brazos and that of Bexar being in general the Lavaca and Guadalupe Rivers. These changes were in the interest of the Anglo-American colonists, and gave them a greater share in the local administration than they had previously enjoyed. Each department, of course, had a political chief of its own.

The departments were divided in turn into municipalities, each

municipality consisting of a town, or village, and an indefinite area of the country surrounding it. The government of the municipality was vested in a board, called the ayuntamiento, and elected by the citizens of the municipality. The presiding officer was the alcalde, corresponding fairly closely to the mayor of a modern town. Other members of the board were two or more regidores, the number depending on the population of the municipality, and a sindico procurador. The regidores were the modern ward aldermen, and the sindico was the city recorder. The alcalde was the official head of the municipality, and received from the political chief all public documents to be promulgated in the community. He had minor judicial power, but this was apparently decreased through the creation of "primary judges" by the judiciary laws of 1834.

Municipal officers were elected by direct vote of the citizens, but state officers were elected by a complicated electoral process. Primaries were held in each precinct of a municipality for the choice of electors. Voting was *viva voce*, each vote being recorded by the tellers. The various precinct registers were canvassed by the ayuntamiento, and reported to the political chief of the department by commissioners from each municipality. These commissioners, in the presence of the political chief, canvassed the vote of the various municipalities, and determined the successful electoral candidates. Then the electors met at the capital of the department and selected representatives to the state congress, and voted for governor and vice-governor. The election of governor and vice-governor was not complete, of course, until the vote of all the electoral assemblies of the state was canvassed at the capital. In case no candidate received a majority here, the election went into congress, where one of the two leading candidates was chosen.

On the subject of public education the constitution spoke as follows: "In all the towns of the state a suitable number of primary schools shall be established, wherein shall be taught reading, writing, arithmetic, the catechism of the Christian religion, a brief and simple exposition of this constitution, and that of the republic, the rights and duties of men in society, and whatever else may conduce to the better education of youth.

"The seminaries most required for affording the public means of instruction in the sciences and arts useful to the state; and wherein the afore-mentioned constitution shall be fully explained, shall be established in suitable places. . . .

"The method of teaching shall be uniform throughout the state, and with this view . . . congress shall form a general plan of public education, and regulate by means of statutes and laws all that pertains to this most important object."¹

In the summer of 1827 the Carankawas killed the families of Rose, Cavanaugh, Graves and Williams. On learning of this disaster Captain A. C. Buckner of the neighborhood of Bay Prairie, in which the above murders were committed, raised such force as he could at short notice, and started in pursuit of the Indians. When he had got within eighty or a hundred yards of the Colorado River, he sent forward one of his men, Moses Morrison, to ascertain whether the Indians were about the river.

¹ This digest of the constitution was made by the editor; Johnson's manuscript simply presents without comment a complete copy of the constitution.

Morrison crawled through the high grass to the bank of the river, where he heard the Indians talking, at the edge of the bank below; to ascertain both their exact position and numbers, he put his head over the bank, but could not see their position nor ascertain their numbers, therefore he moved his body sufficiently over to give him a full view. While in this position the bank gave way, being undermined by the washing of the water, and precipitated him into the midst of the Indians, with his rifle in hand. As he descended he hallowed in a voice stronger than polite, "Here I come, d— you." So unexpected and sudden was Morrison's fall among them that in their fright they leaped into the river, thereby hoping to escape the danger that awaited them. Buckner, seeing Morrison disappear and hearing him halloo, marched forward with his men and opened fire on the Indians; Morrison, however, got the first shot at them. The Indians swam down the river where they had a canoe. Pursuit and an irregular firing was kept up, the Indians diving and swimming under water as long as they could, and then coming to the surface for air. Whenever a head appeared above the surface of the water a rifle was ready to speed the messenger of death. Ultimately two reached the canoe, cast loose, and threw themselves flat in the bottom. Fortunately for them, the wind sprang up and drove their canoe seaward, and soon out of reach of the pursuers.

Moses Morrison was a true type of the frontiersmen—bold, fearless, kind and generous, and performed well his part in subduing the wilderness and driving back the savage. Captain Buckner was a true patriot and gallant soldier. He was killed in the battle of Velasco in 1832. Captains A. C. Buckner and Robert Kuykendall were minute men in the true sense of the word, and rendered the first settlers of Austin's colony good service. Whenever the Carankawas made an inroad on the settlement, they collected such force as they could and gave pursuit, and woe to the marauders that they encountered.

This was the last fight the colonists had with the Carankawas. In the fall of the same year the colonists were greatly strengthened by immigration, and could muster a respectable force of fighting men. Colonel Austin determined to relieve his settlers from further raids of the Carankawas. Accordingly he raised a force of one hundred men, of whom Colonel Jared E. Groce, Sr., and thirty of his negroes formed a part. Austin was determined to exterminate or drive them beyond the American settlements.

When near Goliad he was met by the priest of that place, who represented to Austin that the Indians had placed themselves in his charge and care; and that they desired to treat with him for peace, the priest pledging himself for their good behavior. Austin accepted the proposition, and concluded a treaty. By the terms of the treaty they were not to come east of the San Antonio River. Whether or not they observed the treaty to the letter, they never after entered Austin's colony.

These Indians occupied the coast country from Galveston to the San Antonio River. They lived principally on fish and oysters, and picked up such articles as were driven ashore from wrecked vessels.

The opinion obtained among the whites that the Carankawas were cannibals; as it is still believed. This is an entire misconception. It is a custom among them, as with most of the American Indians, when at

war with one of the different tribes, when they kill a brave to take out his heart and eat a small portion of it. This far and no further are they cannibals. A Mr. May, who was for several months a prisoner of the Carankawas, visited many of their encampments and made thorough examinations to satisfy himself whether they were cannibals, as was believed, and as he believed, but in no instances found a human bone.

In 1828, the state government of Coahuila and Texas being organized in all its departments, the laws were extended over the colonies. In December, 1827, Thomas M. Duke was elected constitutional alcalde of the jurisdiction of Austin, and at the same time members of the ayuntamiento were installed, and entered upon their duties in January, 1828.

Although the colonists were comparatively strong, they were subject to frequent Indian raids. Indeed they had been so frequent that Colonel Austin ordered out two companies of militia, commanded by Captains Oliver Jones and Bartlet Sims, both subject to the orders of Captain Abner Kuykendall. At the same time, Colonel DeWitt ordered out a company of his militia, under command of Captain Henry S. Brown, to unite and act in concert with Austin's troops.

The troops formed a junction at Gonzales, and marched for the river San Saba, where they were informed the Waco and Tehuacana Indians were encamped near its head. When near the point of destination, however, they were discovered by Indian scouts, who immediately gave notice of the near approach of the Texans. The Indians made a precipitate retreat, leaving most of their camp equipage, dried meat, etc. Captain Sims, with his company, followed them, captured a number of their horses, but could not overtake the Indians. In this affair one Indian was killed and the camps destroyed.

About this time (summer of 1829) or soon thereafter, Don Gaspar Flores, of San Antonio de Bexar, raised a force of militia and marched upon the Waco and Tehuacana villages.

In the winter of 1828-29 Thomas Thompson, of Colorado, near Bastrop, discovered Indians in his cornfield, which was some distance from his house, taking his corn. He hastily collected such of his neighbors as he could and pursued the Indians. They overtook and killed four of them; the others made good their escape.

In December, 1828, Joseph White was elected constitutional alcalde of the Jurisdiction of Austin; and members of the ayuntamiento were elected. All entered upon their duties in 1829.

In the latter part of the year 1829 Don Juan Antonio Padilla, who had been appointed commissioner to extend titles and put the inhabitants east of Austin's colony in possession of their lands, accompanied by his surveyor, Thomas Jefferson Chambers, arrived at San Felipe de Austin, where they remained some time, and thence proceeded to Nacogdoches, where he established his office and appointed surveyors for the rural districts. Soon after this, however, he was arrested and imprisoned in Nacogdoches on a false charge of murder. Thus he was prevented from extending titles and giving the inhabitants possession of their lands. However, surveys were made for the settlers in the several districts.

In December of this year Thomas Barnet was elected constitutional

alcalde of the Jurisdiction of Austin, and entered upon the duties of his office in January, 1830.

The year 1829 is important for an attempt which the government made to discourage immigration of Anglo-Americans to Texas. Reflection upon the rapid westward expansion of the United States, in connection with President Adams's efforts to buy all or a part of Texas, convinced leading Mexicans of the danger of allowing immigrants from the North to overrun the province. Since most of the colonists came from the Southern States and owned slaves, it readily occurred to them that the exclusion of slavery from Texas would, on the one hand, check immigration, and, on the other, build up an institutional barrier against the neighboring South. General J. M. Tornel was the advocate of this policy in the federal congress, and twice he secured the passage through the senate of a bill which would have had the desired effect, but both times it failed in the lower house. Back of Tornel, apparently, was General Manuel Mier y Terán, commander of the Eastern Internal Provinces, and chief of the commission appointed to run the boundary between Texas and the United States. Failing to get his measure through congress, Tornel turned to President Vicente Guerrero, and, while the latter was temporarily invested with dictatorial power in the fall of 1829, induced him to issue a decree freeing all the slaves in the Republic of Mexico.

Anti-slavery sentiment had been strong in Mexico since the liberation from Spain, and the first general colonization law, passed during the short reign of Iturbide, while permitting settlers to bring in their own slaves, forbade the buying and selling of slaves in the empire, and provided that the children of slaves born in Mexico should become free at the age of fourteen. After the downfall of Iturbide, congress took up the matter again and passed a stringent law (July 13, 1824), against the slave trade. "Commerce and traffic in slaves," proceeding from any country were prohibited; and slaves introduced contrary to the tenor of this provision were declared "free in virtue of the mere act of treading Mexican territory." There was some question as to whether the provision of the law did not make illegal the further immigration of slaves with their masters. At the time, however, it was not so interpreted. The federal constitution, which was completed in October, 1824, did not mention slavery, and there were no more federal laws on the subject until the famous decree of April 6, 1830. The state constitution of Coahuila and Texas, however, promulgated March 21, 1827, prohibited the further immigration of slaves after six months, and declared that children of slaves born in the state should be free at birth. A law of September 15 following required each municipality to make a list of the slaves in its jurisdiction, and to keep a register of the children born of slaves after the publication of the constitution, which should be reported to the governor every three months. This, of course, was expected to facilitate the enforcement of the constitutional provision. Shortly afterward (November 24, 1827), a decree was passed giving a slave the right to change his master, provided the new master would indemnify the old one. This was no doubt designed in the interest of the slave, but it can be readily seen that it afforded an easy means of evading the law against buying and selling slaves. We have no evidence

concerning its operation, but nothing would have been simpler than for the two masters to come to a satisfactory agreement and then represent that the slave wished to change his master.

The slave question was an intensely practical one in Texas, and settlers already in the province, as well as others who contemplated settling there, were deeply interested. Little free labor was to be had, and slaves were considered indispensable in breaking the wilderness. Austin had bestirred himself from the beginning to prevent the prohibition of slavery, and the recognition of the institution in Iturbide's colonization law was due entirely to his persistent and strenuous efforts. Again, in the state congress, it was the tireless activity of the Texans and of their agent in the capital which prevented the outright liberation by the constitution of the slaves already in the state. By 1828 members of the state congress were brought to see the practical side of the question, and a law of May 5 legalized contracts made in "foreign countries" between emigrants and "the servants or day laborers or working men whom they introduce." The object of this law was palpably to enable colonists to continue to introduce slaves under the device of peonage contracts, and they were not slow to use it. Just before crossing the boundary an emigrant would visit a notary in the United States and have his slaves sign the necessary contract. The specimen printed in the note below makes it plain that their real status remained unchanged after this ceremony was completed.²

² In the Town or county of State of in the United States of America on this day of personally came before me A. B. a notary public (or judge or justice of the peace as the case may be) of the Town (or county) aforesaid C. D. and E. F., the latter a person of colour, and the said C. D. of the one part, and the said E. F. of the other part did make and agree to the following contract, that is to say—Whereas the said E. F. was born and is by the laws of this State a Slave and as such has cost the said C. D. dollars (or is worth to him dollars). And whereas the said E. F. and his descendants for ever would be Slaves for life by the laws of this nation if they are retained in it, but by the Constitution and laws of the state of Coahuila and Texas in Mexico the said E. F. and descendants will be free after his removal to said State of Coahuila and Texas and the said E. F. being desirous to accompany him voluntarily agrees to the following contract, that is to say:—The said C. D. on his part for and in consideration of the stipulations, obligations, and contract, voluntarily entered into by the said E. F. as herein after expressed, agrees to remove the said E. F. to said State of Coahuila and Texas in Mexico and he, the said E. F., on his part, in order to repay to said C. D. or to his representatives the above stated sum of dollars which is justly due him, and also to repay to said C. D. or his representatives the cost of removing said E. F. to Austin's colony in the said state, and also in consideration of the benefits and privileges which said E. F. will be entitled to by the Constitution and laws of said state of Coahuila and Texas, and which neither he nor his descendants could have ever enjoyed except in consequence of his removal there by said C. D., and also in further consideration of the wages hereinafter mentioned, agrees and obligates himself faithfully to same said C. D. his heirs or representatives as a servant or laborer at the rate of twenty dollars per annum until his wages at that rate shall fully repay to said C. D. or to his representatives the said sum of dollars and also all other sums in which the said E. F. may become indebted to said C. D. for clothes or other things.

And furthermore the said E. F. contracts and agrees with said C. D. to labor for and serve him or his assigns or representatives after the said term of service above stipulated shall have expired for a further term which shall continue during the life of said E. F. at the same rate of twenty dolls. pr annum on the condition that said C. D. shall be bound to furnish said E. F. a good and sufficient support in his

It is doubtful whether Guerrero's emancipation decree would have affected negroes introduced under this device, since technically they were not slaves but corresponded to the peons of the Mexican haciendas. But the colonists were greatly alarmed and did not pause to draw a distinction. Besides, there were probably a thousand slaves in the country who had been brought in before 1828, and these were unquestionably affected. The colonists were convinced that ruin stared them in the face, and first, in order to gain time, arranged with the various ayuntamientos to delay the official publication of the decree, when it should arrive; and then, as always when in trouble, they turned to Stephen F. Austin for direction. The following letter from Austin to John Durst of Nacogdoches shows how strongly Austin felt on the subject, as well as his plan of procedure to obtain relief:

"What the people of Texas have to do is to represent to the Government through the Ayuntamientos or some other channel, in a very respectful manner that agreeable to the constitution, and the colonization laws, all their property is guaranteed to them without exceptions in the most solemn and sacred manner. That they brought their slave property into the country and have retained it here, under the faith of that guarantee, and in consequence of a special invitation publicly given to emigrants by the government in the colonization law to do so. That the

old age after he becomes too infirm to labor, from which time said twenty dollars pr annum shall cease, the said wages being always bound for any debts which said E. F. may contract with said C. D. for clothes or other things.

And furthermore the said E. F. being desirous that his child (or children) should enjoy the benefits of the laws of said state of Coahuila and Texas and that he (or they) should be removed to the same by said C. D., therefore as parent and natural guardian, he, the said E. F., contracts and agrees with said C. D. that his child L. M. (or children naming them) now years of age, who by the laws of this country were and at this time are slaves and the property of said C. D., and as such have cost (or are worth to) him dollars, shall serve said C. D. or his representatives in the said state of Coahuila and Texas at the same rates and for the same time and on the same conditions as herein contracted for said E. F., which wages shall commence when said child (or children) are eighteen years of age, provided that said C. D. shall be bound to remove said child (or children) to said state.

And furthermore the said E. F., as the natural guardian of his children, contracts and agrees with said C. D. and his representatives that all children which said E. F. may have in said state of Coahuila and Texas shall serve said C. D. or his representatives as servants until they are twenty five years of age without any wages, being in consideration of the benefits they derive from the laws of that state in consequence of the removal of their parent E. F. there by said C. D., and which they never could have enjoyed unless it had been secured to them by this contract under which said C. D. was induced to remove said E. F. to said state of Coahuila and Texas, and after said term of twenty five years shall have expired, said children shall be bound to serve said C. D. or his representatives, at the rate of twenty dollars pr annum until all debts due by them to said C. D. or his representatives are paid, the said C. D. being bound to instruct said children in some useful branch of industry that will make them useful members of the community.

And the said E. F. generally contracts and agrees with said C. D. faithfully to serve him or his representatives as a servant and laborer as above stated and to be obedient and submissive as a good and faithful servant should be, and faithfully to comply with this contract under the penalty of dollars.

And the said C. D. on his part agrees to the conditions and stipulations of this contract as herein expressed.—From a manuscript draft in the Austin Papers. The Editor.

constitution of the state expressly recognizes the right of property in slaves by allowing six months after its publication for their introduction into the State. That they will defend it, and with it, their property.

"There ought to be no vociferous and visionary excitement or noise about this matter. Our course is a very plain one—calm, deliberate, dispassionate, inflexible, firmness; and not windy and ridiculous blowing and wild threats, and much less anything like opposition to the Mexican Constitution; nothing of this kind will do any good; it will, in fact, be unjustifiable, and will never be approved of by me, but on the contrary opposed most decidedly. I will not violate my duty as a Mexican citizen.

"The constitution must be both our shield, and our arms; under it, and with it, we must constitutionally defend ourselves and our property.

"If he [the political chief of Bexar] should finally be compelled to publish and circulate it, the Ayuntamientos must then take an unanimous, firm, and constitutional stand. The people will unanimously support them.

"I know nothing of the men who compose the Ayuntamiento of Nacogdoches, if they are true patriots and true friends to themselves and to Texas, they will not suffer that decree to be published or circulated in that municipality and they will take the stand I have indicated or some other that will preserve the constitution, and our constitutional rights from open and direct violation.

"These are my ideas on the matter. I have said the same to my friends in Bexar, and when the decree arrives officially (which it has not yet), I shall say the same to the Government. What I do in this matter will be done openly. Mexico has not within its whole dominions a man who would defend its independence, the union of its territory, and all its constitutional rights sooner than I would, or be more ready and willing to discharge his duties as a Mexican citizen; one of the first and most sacred of those duties is to protect my constitutional rights, and I will do it, so far as I am able. I am the owner of one slave only, an old decrepit woman, not worth much, but in this matter I should feel that my constitutional rights as a Mexican were just as much infringed, as they would be if I had a thousand; it is the principle and not the amount: the latter makes the violation more aggravated, but not more illegal or unconstitutional."

Partly through Austin's influence, and partly because he himself was convinced that the emancipation of the Texas slaves would be a disastrous blow to the province, the political chief of the department of Bexar (which then included all Texas) withheld the publication of the decree until he could memorialize the president for its withdrawal or modification. His petition was forwarded through the governor of the state, and that official also addressed the president, urging relief. The arguments of these officials had the desired effect, and on December 2, 1829, the governor was notified that the president had been pleased "to declare the department of Texas excepted" from the operation of the general decree. This reprieve was transmitted by the governor to the political chief at San Antonio, and by him it was forwarded to

the various ayuntamientos and formally published in the usual manner. A copy is preserved in the *Texas Gazette* of January 30, 1830.

The crisis thus passed, but it left scars in its wake. The colonists thought the decree a wanton interference with their rights of property, guaranteed by the constitution; and the Mexican authorities could not forget the threatening tone of colonial remonstrances. Austin's letter quoted above plainly suggests that the Texans might resist by force the execution of the decree, and the governor in his memorial thought that its enforcement might "draw upon the state some commotions." He did not wish to imply by this, he said, that the settlers were turbulent and insubordinate; in fact, he had nothing but proof to the contrary, but he thought that resistance could be easily inferred if one reflected upon the natural inclinations of man "when, from one day to another, he is about to be ruined, as would result to many of them, whose whole fortune consists in their slaves."²

The ill feeling engendered in the colonies by Guerrero's decree had not subsided before another decree was directed at Texas which threatened to stop entirely immigration from the United States. This was the law of April 6, 1830. Lucas Alaman, secretary of foreign relations, has been generally credited with the origination of this measure, and he seems, indeed, to have been the author of its most objectionable provisions, but the policy embodied in the decree as a whole was suggested by General Mier y Terán, military commander of the Eastern Internal Provinces, of which Texas formed a part.

For a clear understanding of the law, it is necessary to review Terán's connection with Texas during 1828 and 1829. He was commissioned by President Victoria in September, 1827, to proceed to East Texas for the purpose of surveying the boundary between Mexico and the United States; and at the same time he seems to have been instructed to make a careful inspection of the colonies and report his observations to the government. He arrived at San Antonio on March 10, 1828, and, after a leisurely progress through the colonies, he was at Nacogdoches in June. On the 30th of that month he wrote Victoria a long letter describing conditions around Nacogdoches and showing keen insight into the situation there. The refusal of the United States to ratify the boundary treaty relieved Terán of any excuse for lingering in Texas, and in the fall of 1828 he betook himself to Matamoras. He was again in Texas during the spring of 1829, making observations and formulating plans for bringing the province more fully under federal control. In September, 1829, he was appointed commander of the Eastern Provinces and thus became the superior military officer of Texas, in a position to urge his views upon the general government. In December his friend Anastasio Bustamante unseated President Guerrero and placed himself in the presidential chair. Bustamante had been commander of the Eastern Provinces only a few months before, and was prepared, therefore, to give Terán's proposals a sympathetic hearing. Terán had, in fact, already been authorized to strengthen the military establishments in Texas, but had failed to obtain the required troops. On January 6,

² The section on Guerrero's emancipation decree is inserted by the editor, and is drawn chiefly from Lester G. Bugbee's excellent study of "Slavery in Early Texas," published in *Political Science Quarterly*, Vol. XIII (1898).

1830, through his aide, Lieutenant Constantino Tarnava, whom he had sent to the capital for that purpose, he reiterated his request, and outlined in detail his plan for preserving Texas to Mexico. This contemplated both military and political measures. The military dispositions recommended were: "(1) The removal to the Nueces of several companies now on the Rio Grande; (2) the establishment of a strong and permanent garrison at the main crossing of the Brazos River, that there may be an intermediate force in the unsettled region separating Nacogdoches and Bexar; (3) the reinforcement of the existing garrisons by filling the quota of infantry properly belonging to them; (4) the occupation and fortification of some point above Galveston Bay, and another at the mouth of the Brazos, for the purpose of controlling the colonies; (5) the organization of a mobile force equipped for sudden and rapid marches to a threatened point; (6) and, finally, the establishment of communications by sea between other Mexican ports and Texas." The political measures which he advised were: (1) The transportation of Mexican convicts to Texas, where they should serve their sentence and then settle; (2) "the encouragement by all legitimate means of the emigration of Mexican families to Texas; (3) the colonization of Texas with Swiss and German colonists, whose language and customs, being different from those of our neighbors, will make less dangerous the proximity of the latter; (4) the encouragement of coastwise trade, which is the only means by which close relations can be established between Texas and the other parts of the Republic, and by which this department, now so North American in spirit, may be nationalized."

Counter-colonization of Texas by Mexicans and the establishment of coastwise trade Terán considered of supreme importance. Emigration of Mexican families thither should receive the constant attention of the government. "It is a fact," he continued, "that Mexicans are little disposed to enterprises of this nature, but it is also a fact that the state governments have made no attempts in this direction. Whatever obstacles may be encountered must be overcome, but these measures involve the safety of the nation and the integrity of our territory. Indeed, there is no choice of measures in this matter. Either the government occupies Texas now, or it is lost forever, for there can be no possibility of a reconquest when our base of operations would be three hundred leagues distant while our enemies would be carrying on the struggle close to their base and in possession of the sea. To stimulate this settlement of Mexican families the government should create a loan fund for the assistance of poor laborers, for the purpose of supplying them with agricultural implements, etc. It might perhaps be possible for the government to promote among Mexican capitalists some kind of an association for the development of these lands of Texas." Since the Mexican settlers would have no slaves, they would be at a disadvantage compared with the "North Americans," and to stimulate their zeal for agriculture the government ought to offer bounties for those who distinguished themselves.

Through the lack of regular coasting trade by Mexican vessels north of Matamoras the colonists, said Terán, were now "trading only with New Orleans." There they were compelled to pay duty on their cotton

and other exports, when with proper coastwise trade they might just as easily ship to Tampico or Vera Cruz and thence to Europe.

Terán's conviction that stringent measures were needed to save Texas to Mexico was probably strengthened by his knowledge that the United States was very anxious to extend its western boundary over Texas. The United States had, in fact, been trying since 1825 to obtain all or a part of the province by means of a boundary adjustment, which it was thought would be less objectionable to Mexican pride than an outright offer of purchase. It was with the object of keeping the question open, the Mexicans thought, that the United States senate had failed to ratify the treaty of limits in 1828.

A brief summary will suffice to present the attitude of the United States. On March 26, 1825, three weeks after the inauguration of President John Quincy Adams, Henry Clay, then secretary of state, wrote to Joel R. Poinsett, our chargé d'affaires at Mexico, instructing him to feel the pulse of the Mexican government on the subject of a readjustment. Clay declared that the Sabine boundary was not altogether satisfactory, and suggested that Mexico might perhaps be induced to substitute for it the Brazos, the Colorado, or even the Rio Grande. He wrote Poinsett that the president "thought the present might be an auspicious period for urging a negotiation, at Mexico, to settle the boundary between the territories of the two Republics." The success of the negotiation would probably be promoted, he said, by throwing into it motives not strictly belonging to the subject, so the United States was disposed to pay a reasonable pecuniary consideration for such a boundary as was desired. The line preferred would run up the Rio Grande and the Pecos to the source of the latter, thence north to the Arkansas, and along that river to the forty-second parallel, "and thence by that parallel to the South Sea." A less desirable line would ascend the Colorado to its source, and then proceed north to the Arkansas, as before. For the first line a maximum price of a million dollars might be offered, and for the second, five hundred thousand. The great size and frequency of grants of land by Mexico to citizens of the United States led the latter to think, he said, that Mexico did not value land as we did. Moreover, the emigrants would carry with them our principles of law, liberty, and religion; collisions might be expected, and those collisions would insensibly enlist the sympathies and feelings of the two republics and lead to misunderstandings. Thus a new boundary would prove mutually advantageous. Two years later Martin Van Buren, for President Jackson, repeated these instructions in a modified form. The eagerness of the presidential desire for Texas is indicated by the shrinkage of the boundary to be asked for and the expansion of the price to be offered. The most preferable southern boundary would be "the desert or Grand Prairie" west of the Nueces. For this the minister might offer four million dollars, but the president's convictions of its great value to the United States were so strong that he would not object, if it should be found "indispensably necessary, to go as high as five millions." Alternate proposals were authorized for the line of the Lavaca, the Colorado, or the Brazos Rivers, and a proportionate part of the four million dollars would be paid for it. The president was aware that the subject was a difficult one, but he hoped that the considerations to be advanced by

Mr. Poinsett, pecuniary and otherwise, would enable him to accomplish the desired cession. Poinsett was recalled in October, and the same authority was extended to Anthony Butler, who, as *chargé d'affaires* of the United States, succeeded him. It was probably known in Mexico that Butler's special mission would be to secure a cession of Texas, and the fact was bitterly resented.

No Mexican statesman was better informed of the desires of the United States concerning Texas, or had less wish to see them accomplished, than Lucas Alaman, the secretary of foreign relations. On February 8, 1830, therefore, soon after Butler's arrival in the City of Mexico, Alaman incorporated Terán's recommendations, with a few of his own ideas, in a report to congress and urged their enactment into law. In his argument he bitterly arraigned the greed of the United States for territory and their unscrupulous methods of getting it: "The United States of the North have been going on successfully acquiring, without awakening public attention, all the territories adjoining theirs.

. . . They commence by introducing themselves into the territory which they covet, upon pretense of commercial negotiations, or of the establishment of colonies, with or without the assent of the government to which it belongs. These colonies grow, multiply, become the predominant party in the population; and as soon as a support is found in this manner, they begin to set up rights which it is impossible to sustain in a serious discussion, and to bring forward ridiculous pretensions, founded upon historical facts which are admitted by nobody.

. . . These extravagant opinions are, for the first time, presented to the world by unknown writers; and the labor which is employed by others, in offering proofs and reasonings, is spent by them in repetitions and multiplied allegations, for the purpose of drawing the attention of their fellow-citizens, not upon the justice of the proposition, but upon the advantages and interests to be obtained or subserved by their admission.

"Their machinations in the country they wish to acquire are then brought to light by the appearance of explorers, some of whom settle on the soil, alleging that their presence does not affect the question of the right of sovereignty or possession to the land. These pioneers excite, by degrees, movements which disturb the political state of the country in dispute, and then follow discontents and dissatisfaction, calculated to fatigue the patience of the legitimate owner, and to diminish the usefulness of the administration and of the exercise of authority. When things have come to this pass, which is precisely the present state of things in Texas, the diplomatic management commences. The inquietude they have excited in the territory in dispute, the interests of the colonists therein established, the insurrection of adventurers, and savages instigated by them, and the pertinacity with which the opinion is set up as to their right of possession, become the subjects of notes, full of expressions of justice and moderation, until, with the aid of other incidents, which are never wanting in the course of diplomatic relations, the desired end is attained of concluding an arrangement as onerous for one party as it is advantageous to the other. Sometimes more direct means are resorted to; and taking advantage of the enfeebled state, or domestic difficulties, of the possessor of the soil, they proceed, upon the most

extraordinary pretexts, to make themselves masters of the country, as was the case in the Floridas; leaving the question to be decided afterwards as to the legality of the possession, which force alone could take from them. This conduct has given them the immense extent of country they occupy, and which they have acquired since their separation from England; and this is what they have set on foot with respect to Texas."

Alaman then proceeded to outline the measures which he deemed necessary to preserve Texas to Mexico, and on April 6, 1830, congress enacted his proposals into law. The importance of this decree, and the further fact that no English translation exists in any of the histories of Texas, warrants its quotation here in full:

"Article 1. Cotton goods excluded in the law of May 22, 1829, may be introduced through the ports of the Republic until January 1, 1831, and through the ports of the South Sea until June 30, 1831.

"Article 2. The duties received on the above-mentioned goods shall be used to maintain the integrity of Mexican territory, to form a reserve fund against the event of Spanish invasion, and to promote the development of national industries in the branch of cotton manufactures.

"Article 3. The government is authorized to name one or more commissioners who shall visit the colonies of the frontier states and contract with the legislatures of said states for the purchase, in behalf of the federal government, of lands deemed suitable for the establishment of colonies of Mexicans and other nationalities; and the said commissioners shall make with the existing colonies whatever arrangement seems expedient for the security of the Republic. The said commissioners shall supervise the introduction of new colonists and the fulfilling of their contracts for settlement, and shall ascertain to what extent the existing contracts have been completed.

"Article 4. The chief executive is authorized to take such lands as are deemed suitable for fortifications or arsenals and for the new colonies, indemnifying the states for the same, in proportion to their assessments due the federal government.

"Article 5. The government is authorized to transport the convict-soldiers destined for Vera Cruz and other ports to the colonies, there to establish them as is deemed fit; the government will furnish free transportation to the families of the soldiers, should they desire to go.

"Article 6. The convict-soldiers shall be employed in constructing the fortifications, public works, and roads which the commissioners may deem necessary, and when the time of their imprisonment is terminated, if they should desire to remain as colonists, they shall be given lands and agricultural implements, and their provision shall be continued through the first year of their colonization.

"Article 7. Mexican families who voluntarily express the desire to become colonists will be furnished transportation, maintained for one year, and assigned the best of agricultural lands.

"Article 8. All the individuals above mentioned shall be subject to both the federal and state colonization laws.

"Article 9. The introduction of foreigners across the northern frontier is prohibited under any pretext whatever, unless the said foreigners are provided with a passport issued by the agents of this Republic at the point whence the said foreigners set out.

"Article 10. No change shall be made with respect to the slaves now in the states, but the federal government and the government of each state shall most strictly enforce the colonization laws and prevent the further introduction of slaves.

"Article 11. In accordance with the right reserved by the general congress in the seventh article of the Law of August 18, 1824, it is prohibited that emigrants from nations bordering on this Republic shall settle in the states or territories adjacent to their own nation. Consequently, all contracts not already completed and not in harmony with this law are suspended.

"Article 12. Coastwise trade shall be free to all foreigners for the term of four years, with the object of turning colonial trade to the ports of Matamoras, Tampico, and Vera Cruz.

"Article 13. Frame houses and all classes of foreign food products may be introduced through the ports of Galveston and Matagorda, free of duty, for a period of two years.

"Article 14. The government is authorized to expend five hundred thousand dollars (pesos) in the construction of fortifications and settlements on the frontier, in the transportation of the convict-soldiers and Mexican families to same, and their maintenance for one year, on agricultural implements, on expenses of the commissioners, on the transportation of troops, on premiums to such farmers among the colonists as may distinguish themselves in agriculture, and on all the other expedients conducive to progress and security as set forth in the foregoing articles.

"Article 15. To obtain at once one-half of the above sum the government is authorized to negotiate a loan on the customs proceeds which will be derived from the ordinary classes of cotton goods, said loan to pay a premium of three per cent monthly, payable at the expiration of the periods fixed in the tariff's schedule.

"Article 16. One-twentieth of the said customs receipts shall be used in the promotion of cotton manufactures, such as in the purchase of machines and looms, small sums being set aside for the installing of the machinery, and any other purpose that the government shall deem necessary; the government shall apportion these funds to the states having this form of industry. The said funds shall be under the control of the Minister of Relations for the purpose of promoting industries of such importance.

"Article 17. Also three hundred thousand dollars (pesos) of the above-mentioned customs receipts shall be set aside as a reserve fund on deposit in the treasury, under the strict responsibility of the government, which shall have power to use the same only in case of a Spanish invasion.

"Article 18. The government shall regulate the establishment of the new colonies, and shall present to Congress within a year a record of the emigrants and immigrants established under the law, with an estimate of the increase of population on the frontier."

Articles ten and eleven were the contributions of Alaman to Terán's program, and to the Texans they were by far the most obnoxious part of the decree. The stoppage of the introduction of slaves was not so serious, because means had already been provided by the state congress for evading this provision, but article eleven closed the door completely for

the future to the legal settlement in Texas of emigrants from the United States. It is doubtful whether Terán, with his practical knowledge of conditions in the provinces would have endorsed it. Little can be said against this decree from the point of view of the government, suspicious as it was of the designs of the United States, and desperately anxious to save one of its most valuable provinces. The establishment of coasting trade, the encouragement of Mexican emigration, and the fortification of a frontier province were eminently proper; the prohibition of further colonization from the United States might well be considered a justifiable measure of self-defense; and even the establishment of convict colonies was in accord with the practice of the most enlightened nations (England was still transporting criminals to her colonies). However, the colonists were in no mood to view the matter from the Mexican standpoint. They saw their friends and relatives debarred from joining them, while the province was to be occupied by soldiers of extremely questionable character, and overrun by criminals and vagabonds from the lowest class of Mexico. For a time excitement ran high, especially in the eastern part of Texas; but it subsided with less murmuring than might well have been expected.

Perhaps, as has been suggested, the colonists at first resented the decree all the more because it seemed to be the intention of the government to enforce it. Terán had already been authorized, as we know, to proceed with his plan of military occupation, and this was now continued as a means of executing the law of April 6. Garrisons were placed at Tenoxtitlan, where the San Antonio and Nacogdoches road crossed the Brazos; at Velasco, the mouth of the Brazos; at Anahuac, near the head of Galveston Bay; and troops were moved from the Rio Grande to Lipantitlan, near the mouth of the Nueces. There were garrisons already at San Antonio, Goliad, and Nacogdoches. In spite of all efforts to enforce the law it was generally evaded; and friction soon developed between the colonists and the soldiers.³

The declared object for establishing these posts was to insure the better collection of custom duties, and the protection of the frontier against the Indians, the real object was to strengthen them by sending in small detachments of troops from time to time, until the number would enable President Bustamante to enforce his arbitrary and despotic rule in Texas. With the establishment of these military posts was an order making Galveston Island a port of entry, with the custom-house at the mouth of the Trinity, which greatly annoyed the masters of vessels engaged in the Texas trade.

In December of this year, Francis W. Johnson was elected constitutional alcalde of the jurisdiction of San Felipe de Austin, and entered upon his duties in January, 1831.

In consequence of the arrest and imprisonment of Commissioner Padilla, Don Francisco Madero, of Coahuila was appointed to fill the vacancy. Madero, with his surveyor J. M. Carbajal, reached San Felipe de Austin in the latter part of December, 1830, or early in January, 1831, where he spent some time with Colonel Austin, whom he consulted as to the best mode of proceeding in his new mission. Instead of estab-

³ This section on the Law of April 6, 1830, was written by the editor. He was greatly helped by Miss Alleine Howren's "Causes and Origin of the Decree of April 6, 1830," in *Southwestern Historical Quarterly*, XVI, 378-422.

lishing his office at Nacogdoches, as Padilla had done, he proceeded to Liberty, on the Trinity River, established his office, created the municipality of Liberty, and held an election for alcalde and members of the ayuntamiento of the municipality. Having organized the government, he took necessary measures to have the lands of the settlers surveyed.

These measures of Madero seem to have given great offense to Colonel J. D. Bradburn, who commanded the new garrison at Anahuac, and who, in accordance with instructions from General Terán, or on his own motion, caused Madero and his surveyor, Carbajal, to be arrested and imprisoned at Anahuac under the charge of acting in violation of the decree of April 6, 1830. To further annoy the people of Liberty, Bradburn annulled the act of Madero in creating a municipality, and established one at Anahuac, composed of creatures of his own and subservient to his will. However, this new creation of his was short lived, and soon fell to pieces by its own inherent rottenness. His first measure was to close the port of Brazos and make Galveston the only port of entry in Texas, with the custom house at Anahuac. Against this lawless and arbitrary act the citizens of Brazoria protested, and deputed Dr. Branch T. Archer and George B. McKinstry to wait upon Colonel Bradburn and get the order countermanded. Bradburn prevaricated when called upon by the committee, and said he would have to consult his commander, General Terán, but these stern republicans were not to be put off by so transparent a pretense, and demanded revocation of the obnoxious order. Bradburn reluctantly yielded and issued the necessary order to re-open the port of Brazos. Here we will leave the petty tyrant, and record passing events.

During this year, 1831, the alcalde of San Felipe had serious trouble with the authorities of the state: First, in consequence of one of the colonists inflicting summary punishment on a soldier belonging to the garrison at Tenoxtitlan, of which act Colonel Ruiz made complaint. Millican, the offending party, declared that he found the soldier butchering one of his beeves. A correspondence was at once opened by the Political Chief and the alcalde of the jurisdiction of Austin, which was kept up until near the end of the term of the latter, when Millican was relieved. The next trouble was occasioned by the return to Texas of Colonel Martin Parmer, of Fredonian notoriety. He, however, eluded the vigilance of the civil and military authorities by the aid of friends. The next cause of trouble was the arrival of Alexander Thompson and a few families at Nacogdoches, where they had some trouble with the commandant of that post, Colonel Piedras, who, in compliance with orders, refused to let them pass, and ordered them out of the country. However, they made their way to Austin's colony. Austin received them as colonists, and made a favorable report to the government, which averted further trouble.

Notwithstanding manifold annoyances the colonists were prosperous, and the constant inflow of emigrants increased their numbers as well as the wealth of the colony. The population of the colony had reached a number which entitled them to a first and second alcalde, and an increased number of members of the ayuntamiento. Captain Horatio Chriesman was elected first, and Captain John Austin second, alcalde of the jurisdiction, and they entered upon their duties in January, 1832.

CHAPTER VI

EXPULSION OF THE SOLDIERS, 1832

The year 1832 marked an important epoch in the history of Texas. Colonel Bradburn, by a persistent course of tyranny and lawlessness, greatly exasperated the citizens of the jurisdiction of Liberty. As if determined to drive the people to open resistance or servile submission he had, under one pretext or another, William Barrett Travis, Patrick C. Jack, Samuel T. Allen, Monroe Edwards, and other citizens of the jurisdiction arrested and imprisoned in Fort Anahuac.

On receipt of this news at San Felipe de Austin, William H. Jack, an eminent lawyer, and brother of Patrick C. Jack, immediately repaired to Anahuac, where on his arrival he sent in his name and requested an interview with Colonel Bradburn. After some delay he was conducted into the presence of the petty tyrant, to whom he made known the object of his visit, and inquired of him the cause or causes which induced him to arrest and imprison citizens of the jurisdiction. Bradburn answered that it was by order of his superior, General Terán. To this, Jack replied that the citizens arrested were not of the Mexican army or navy and should, therefore, if guilty of a violation of law be delivered and tried by the civil authority. To this Bradburn curtly replied that Jack had no right to interfere in the matter; and that the prisoners had not only been arrested by order of his superior, but that the latter had further ordered that they should be sent to Vera Cruz, by the first vessel, for trial by a military court. Jack was about to protest against the whole proceeding, when he was cut short by Bradburn's peremptorily ordering him to leave Anahuac in fifteen minutes, or he would arrest and imprison him. Knowing the despotic and arbitrary character of Bradburn, Jack, deeming prudence the better part of valor, beat a hasty retreat and sped away as fast as his means of transit, a row-boat, would permit, and returned to his home, San Felipe de Austin. As soon as it was known that he had returned the citizens of San Felipe de Austin and that vicinity assembled to hear the result of his visit to Anahuac. Jack gave a detailed account of his interview with Bradburn, and the conduct of the latter. The citizens expressed their indignation in no measured tones, and declared themselves willing and ready to compel Bradburn, by force if necessary, to turn the prisoners over to the alcalde of the jurisdiction of Liberty.

After full discussion and deliberation, it was unanimously resolved to send expresses to the various settlements in Austin's colony to invite the citizens to unite with us for the purpose of releasing the prisoners, peaceably, if we could, but by force if necessary, and therefore, to assemble, armed and equipped, at as early a day as practicable, at or near Liberty on the Trinity River. Accordingly, Colonel William Pettus and

Robert M. Williamson were to visit the settlements above San Felipe de Austin, on the Brazos, Mill Creek and New Year's Creek; Captain John Austin, second alcalde of the jurisdiction, visited the settlements on the lower Brazos; Captain Wily Martin, of Fort Bend on the Brazos River, was to raise the people of that section; and Benjamin F. Tennel and F. W. Johnson were to proceed east by way of Spring Creek, Buffalo Bayou, Lynchburg on the San Jacinto, and thence to Liberty. All performed their allotted duty, and the citizens turned out promptly and repaired to the place of rendezvous.

In a few days a considerable number of Austin's colony arrived at Liberty, where they were welcomed and joined by the citizens of that jurisdiction. After a consultation with the citizens of Liberty and the vicinity, it was decided to meet at Minchey's, a few miles below Liberty, and organize. F. W. Johnson was elected captain, W. D. C. Hall, first, and Thomas Bradley second, lieutenant.

About the middle of the afternoon we took up the line of march for Anahuac. We had proceeded but a few miles, when our advance, led by Sergeant Brenan and R. M. Williamson, surprised and captured, without the firing of a gun, a squad of Bradburn's cavalry who had been sent to reconnoiter. We continued our march to Turtle Bayou, where we encamped. While detailing and posting our guards a miscreant by the name of Hayden, who had joined us at Minchey's, without cause or provocation, shot and instantly killed one of our men. This incident created excitement, and threats of immediate punishment of this fiendish assassin were heard. So sudden and startling was his act that the assassin made his escape before those near by recovered from the shock. He was subsequently captured, however, and executed. On enquiry it was ascertained that Hayden was an employe of John M. Smith, a personal friend of Bradburn's, and it was suspected that he had hired Hayden to kill some one of the officers or a prominent man. Smith was arrested and held a prisoner for several days; but as there was no evidence, except surmise against him, and as he denied any complicity in the case, he was released.

The next morning, at an early hour, we resumed our march and reached Anahuac before noon, and quartered in the town. After posting our guards, Captain Wily Martin, William H. Jack, Major H. K. Lewis, Hugh B. Johnson, alcalde of the jurisdiction of Liberty, and F. W. Johnson waited upon Colonel Bradburn. We stated the object of our visit, and demanded the release and delivery of the prisoners to the constitutional alcalde of the jurisdiction; informing him at the same time that although we had come in considerable force and with arms, that our object was peaceful, and that we would not resort to force unless compelled thereto by a refusal of our just demand and in the presence of the constitutional alcalde of the jurisdiction. After a good deal of prevarication, he ultimately informed us that he acted in the first instance under orders of the commandant general, Terán, and that now he was not the commanding officer of the post; and he pointed to an officer, Colonel Suverano, who, he said, was his superior. Suverano, though present, took no part in the conversation, nor did he assume any command. Satisfied that this was a mere ruse, we informed Colonel Bradburn that having failed to obtain the object of our visit

by peaceable means we should soon resort to force, and left him. The remainder of the day and the night passed off quietly, except for the exchange of a few shots at long range. Our scouts drove in their pickets.

Anahuac is situated on the left bank of the Trinity River, near its mouth. The new fort built by Bradburn was situated below the town proper, some four or six hundred yards, near the bank of the river, which is high and steep. With the exception of the timber skirting the river and several bayous, the country is a flat prairie. The town consisted of some dozen houses; two stores, the one owned by Morgan and Reed and the other by Captain Wilson; one blacksmith shop; and several carpenter shops,—with a population of some fifty persons. We were well received and kindly treated by the inhabitants. Colonel Morgan, Captain Wilson, and Dr. Labadie rendered us many favors as well as important information and service. James Reed, a citizen of the United States and merchant of New Orleans, was then on a visit to Colonel Morgan, with whom he was connected and interested in the mercantile establishment at Anahuac. Mr. Reed was a man of refined manners and courteous bearing, he sympathized with and tendered us his best wishes. Indeed, there was but one feeling, one expression, throughout the American settlement of Texas—utter condemnation and detestation of the petty tyranny exercised and attempted by the Mexican military.

Second day. About daylight Captain William J. Russell and Ritson Morris, known as Jawbone Morris, for, perhaps, no better reason than that of being a great talker and hearty hater of Mexican officials, crawled up within gunshot of the fort, where they bided their time till the guard was mustered, when they fired upon them, with what effect other than giving them a big scare is not positively known, though it was reported that one or two were killed and several wounded. Morris used a fine double-barrelled gun charged with buckshot. The day was spent in reconnoitering and examining the approaches of the fort. There was some little skirmishing, but at too great a distance to be effective on either side. The only casualty was a flesh wound in the arm, received by Saunders, a nephew of Dr. B. T. Archer, by the accidental discharge of one of his pistols.

Third day. We were called upon by Colonel Suverano and Judge John A. Williams, an adherent of Santa Anna's. Williams informed us that Bradburn desired a conference, and that he believed that our difficulty could be settled amicably and satisfactorily, and tendered his services to bring about an adjustment. He also informed us that Colonel Suverano was Bradburn's superior, though he had not yet assumed command. Surverano assented, and recommended the immediate appointment of commissioners to treat; at the same time, assuring us of his friendly intentions. Thus importuned and encouraged, Captain John Austin, Captain Wily Martin and Colonel W. D. C. Hall were appointed commissioners on our part to confer with the commissioners on the part of Bradburn, who were Judge Williams and two of Bradburn's officers.

The commissioners met, and, after a full discussion, agreed upon the following terms:

First, that the Mexican cavalry held prisoners in the hands of the

Texans were to be released; second, that the Texans should retire to Turtle Bayou, but that they should leave commissioners at Anahuac to receive the imprisoned citizens, who were to be delivered to them the next morning.

On the return of our commissioners, Captains Wily Martin and John Austin, a general muster was ordered. Objection was made to that part of the second article which deferred the delivery of the citizen prisoners until the next day. Captain Martin, formerly an officer in the United States army, assured the colonists that no man wearing epaulets would dare forfeit his plighted word of honor. The colonists, though not entirely satisfied, agreed to the terms proposed and returned to Turtle Bayou, there to wait the finale.

About ten o'clock in the forenoon of the fourth day, a courier arrived at our camp, informing us that Bradburn had marched out in full force, with cavalry, infantry, and artillery, and fired on the town; and that the commissioners and some of the citizens of the town were retreating to our camp to ask protection. The command was immediately called to arms, and marched in quick time to the aid of their retreating friends, who were met about midway between our camp and the town, but no enemy was in sight, Bradburn having advanced no further than the timber skirting the prairie, a short distance from the town. Thus far we had acted on our own motion, and without authority of law, and had already been denounced as traitors. What next was to be done was a question of grave moment and challenged our serious and immediate consideration. Accordingly, a general muster was ordered, and the whole subject presented for consideration and action. In forming our decision we were greatly aided by certain intelligence that General Antonio Lopez de Santa Anna had taken up arms against President Bustamante, and in support and defense of the constitution of 1824, which had been violated by Bustamante's despotism. In this was presented a haven of safety. A committee was appointed to draft a preamble and resolutions setting forth the causes which compelled us to take up arms, our devotion to the constitution of 1824, and our support of the gallant chieftain, General Antonio Lopez de Santa Anna. The committee returned and reported the following preamble and resolutions, which were unanimously adopted; and designated the "Turtle Bayou Resolutions:"

"The colonists of Texas have long since been convinced of the arbitrary and unconstitutional measures of the administration of Bustamante; as evinced

"1st. By their repeated violations of the constitution and laws, and the total disregard of the civil and political rights of the people.

"2d. By their fixing and establishing among us in the time of peace, military posts, the officers of which, totally disregarding the local civil authorities of the state, have committed various acts evincing opposition to the true interest of the people in the enjoyment of civil liberty.

"3d. By arresting the commissioners, especially Juan Francisco Madero, who on the part of the state government was to put the inhabitants east of the River Trinity, in possession of their lands, in conformity with the laws of colonization.

"4th. By the imposition of military force, preventing the alcalde of the jurisdiction of Liberty, from the exercise of his constitutional functions.

"5th. By appointing to the revenue department men whose principles are avowedly inimical to the true interests of the people of Texas; and that, too, when their character for infamy had been repeatedly established.

"6th. By the military commandant of Anahuac advising and procuring servants (mark *not slaves*) to quit the service of their masters, and offering them protection; causing them to labor for his benefits and refusing to compensate for the same.

"7th. By imprisonment of our citizens without lawful cause; and claiming the right of trying said citizens by a military court for offense of a character cognizable by the civil authority alone.

"Resolved. That we view with feelings of the deepest regret the manner in which the government of the Republic of Mexico is administered by the present dynasty. The repeated violation of the constitution; the total disregard of the laws; the entire prostration of the civil power; are grievances of such character as to arouse the feelings of every freeman, and impel him to resistance!

"Resolved. That we view with feelings of the deepest interest, and solicitude, the firm and manly resistance which is made by those patriots under the highly talented and distinguished chieftain Santa Anna to the numerous encroachments and infractions which have been made by the present administration upon the laws and constitution of our beloved and adopted country.

"Resolved. That as freemen devoted to a correct interpretation and enforcement of the constitution and laws, according to their true spirit, we pledge our lives and fortunes in support of the same, and of those distinguished leaders who are now so gallantly fighting in defense of civil liberty.

"Resolved. That all the people of Texas be invited to co-operate with us, in support of the principles incorporated in the foregoing resolutions."

It was further resolved by the citizen soldiers that persons should be sent to Brazoria for artillery and ammunition. Accordingly, Captains John Austin and William J. Russell, both citizens of that municipality, were appointed, and set out immediately on their mission. In the meantime it was determined to establish a camp higher up the country, and send couriers to the settlements on the Neches and Sabine Rivers, soliciting their co-operation. The people of Sabine and Neches responded promptly, and in a few days joined us on the Trinity; this addition of men increased our numbers to quite a respectable force. Scouts were constantly kept to watch the movements of Bradburn, who at an early day, after our arrival and occupation of Anahuac, had made a requisition on Colonel Piedras of Nacogdoches for such number of his troops as could safely be withdrawn from that place. Piedras responded promptly, and with a detachment of about one hundred men marched for Anahuac. The first intimation we had of this movement was the arrival of two of Piedras's officers at our picket line. They informed the officer of the picket that they wished an interview with

ALAMO PLAZA FIFTY YEARS AGO

their commander. A messenger was sent to headquarters to communicate the arrival and request of the Mexican officer. Captain Johnson repaired to the picket line, where he was informed by the Mexican officers that they had been sent by Colonel Piedras, who was encamped some fifteen or twenty miles above Liberty, to enquire the cause or causes of trouble. Captain Johnson briefly stated the cause why the colonists were in arms. The officers asked for a further conference at such time and place as Captain Johnson would designate. James Martin's, near Liberty, was named as the place, and three days later given for the meeting. They were also informed that any movement of Colonel Piedras's force from its present position would be considered as an act of hostility. Here we will leave Piedras and the colonists, who were encamped at Moss's Spring, below Liberty, and relate the action of Captains Austin and Russell, who had been sent to Brazoria.

On their arrival at that place it was determined that Captain Austin should proceed at once to Fort Velasco and inform Colonel Ugartechea of what had transpired at Anahuac, and that he had returned for artillery and ammunition, which was to be transported by water to Anahuac. Having thus stated his object, he enquired of the Colonel whether he would allow the vessel selected for the purpose to pass out of the River Brazos; the Colonel replied promptly that he could not, as he had received orders from Colonel Bradburn, his senior officer, not to allow a vessel or vessels with men, arms or ammunition destined for Anahuac to pass out of the river.

Austin returned to Brazoria and called a meeting of the citizens of the town and vicinity, to whom, when assembled, he reported the result of his interview with Ugartechea. After full discussion and deliberation it was resolved to attack and capture Fort Velasco, and then proceed to Anahuac and join their fellow citizens and redeem that post. In accordance with this resolution, a call for volunteers was made to attack the fort both by land and water. The citizens responded to the call. The schooner Brazoria, then lying at the wharf, owned by Captain Rowland, a citizen of the United States, but absent, was taken and armed. William J. Russell was given command of the vessel; and Captain John Austin elected commander of the land and river forces. Here we will leave them and return to our camp on the Trinity.

At the time and place appointed—James Martin's—Captain Johnson met two of Colonel Piedras's officers, who informed him that Colonel Piedras desired an interview at as early a day as practicable, at such place as might be designated. Captain Johnson at once acceded to the request and selected Piedras's camp as the place of meeting, and time, two days hence.

On returning to camp, Captain Johnson issued marching orders, for the following day, to a point near Liberty. Accordingly on the following day the troops marched and took up a position on a rising ground on the edge of the post-oak timber. Immediately on our right was a marshy lake entering some distance above and below our position, and a small prairie in our front. Scouting parties were kept out constantly to prevent all communication with Bradburn, and to cut off supplies both by land and water; for the latter purpose a little fleet of three boats was employed, which formed an embryo and miniature navy.

The boats were active and vigilant, and made numerous captures of boats loaded with provisions for Anahuac.

On the day appointed for interview with Colonel Piedras, Captain Johnson, accompanied by Captains Randall Jones and James Lindsey as commissioners, and Captain Francis Adams as interpreter, repaired to Colonel Piedras's camp, where they were courteously received. Captain Johnson gave Colonel Piedras a detailed account of the arbitrary and lawless acts of Bradburn which had impelled the colonists to resist his rule. Colonel Piedras condemned the action of Bradburn, but, as a junior officer, regretted that it was not in his power to comply with our demand. While in conference, however, a courier arrived with the Colonel's mail from Nacogdoches. He begged that we would excuse him until he examined his mail. During the interval some of his officers, several of whom Captain Johnson had become acquainted with at Nacogdoches in 1830, conversed freely. It was noticed that Colonel Piedras put aside a number of letters without opening them, but on reaching an official document he opened and read it. While doing so his countenance brightened, and he said, I have good news, gentlemen. This document, holding out the paper, is from the Secretary of War and Marine, by which he informs me that I have been promoted, and, being so, I now rank Colonel Bradburn, and will cheerfully deliver the citizen prisoners to the alcalde of Liberty. All present manifested gratification at the turn in the matter, and congratulated the Colonel on his promotion. Coffee and cake were served, after which Colonel Piedras informed the party that he would accompany them to Captain George Orr's, an old friend, where he would spend the night, and the next day his company, with the alcalde, H. B. Johnson, would proceed to Anahuac, arrest Bradburn, and deliver the prisoners to the alcalde. On arriving at Captain Orr's some two miles above the Texan camp Colonel Piedras stopped and spent the night with his friend.

At an early hour next day Colonel Piedras and Alcalde H. B. Johnson were reported to headquarters as being near by. The troops now formed in line to receive them, and saluted them as they passed on. It was late in the day before they reached Anahuac, but, late as it was, Piedras had Bradburn arrested and placed under guard, and released the prisoners and gave them the freedom of the fort, it being too late to turn them over to the alcalde. At a late hour of the night Bradburn effected his escape and made his way as best he could to New Orleans, and thence to Vera Cruz.

Bradburn's escape, when reported, created considerable excitement in the fort, and troops were ordered out to patrol the town. The passing and repassing of troops by the house in which the alcalde was lodged alarmed that official, who, fearing treachery on the part of the Mexicans, left the house and made the best time he could to the Texan camp, where he reported the cause of his alarm and escape. Soon having become alarmed also by the movement of the soldiers, and fled after the arrival of the alcalde at camp, William B. Hardin arrived, from the place. The arrival and report of Johnson and Hardin created quite an excitement in camp; and there were those who believed that Piedras had betrayed us. This Captain Johnson did not believe, and so declared. Captain Martin, a man of military experience, proposed

to break camp and take up a position on the west side of Trinity River; a majority favored this proposition, and in accordance thereto Captain Johnson reluctantly gave the order to take a position on the west side of Trinity River, first, however, detailing a detachment to guard every approach to Anahuac, and to report to headquarters. The several commanders of detachments reported late that evening that all was quiet on the east side of the river, with no enemy in sight.

The next day the officer on detail duty reported the arrival of Colonel Piedras and the prisoners at Liberty, where Piedras turned the prisoners over to the local authorities. Thus the good faith of Piedras was established, and all apprehensions were put at rest.

At the time the colonists entered Anahuac there were a number of families who had settled there, among whom were Colonel James Morgan, Captain Wilcox, both engaged in merchandising, William B. Hardin, John Dorset, Dr. Labadie and William B. Hardin, all of whom sympathized with and aided the colonists.

The object of our visit being successfully terminated, and the majesty of the law vindicated, the colonists were disbanded and returned to their homes, satisfied that they had performed well their duty as law abiding citizens.

In connection with the operations at and near Anahuac mention has already been made of an embryo and miniature fleet, consisting of three boats, and styled the first "Texas Navy." As the actors deserve honorable mention, we give the following sketch furnished by Captain D. L. Kokernot, one of the actors:

"Captain commanding, William Scott, Sr., schooner 'Stephen F. Austin,' with a six tons' burden, a crew of six men and rifles. Captain James Spilman of the schooner 'Waterwitch,' six tons' burden, a crew of six men, six rifles and one swivel. Captain D. L. Kokernot, of the schooner 'Red River,' six and a half tons' burden, with a crew of six men, and six guns.

"We were ordered by the commander in chief, Francis W. Johnson, to cruise up and down the bay of Galveston and the mouth of Trinity River and make prizes of all vessels loaded with provisions for Fort Anahuac.

"About the 5th of June, 1832, Captain Kokernot discovered a vessel crossing the bay, in the direction of Anahuac, and gave chase, overtook and captured her. She was loaded with butter, eggs, chickens and other provisions for the Mexican garrison at Anahuac, which was converted to the use of our little army.

"Captain Scott made prize of a boat, near the mouth of Double Bayou, loaded with beef and corn-meal for the fort. About the same time, Captain Spilman took two boats, off Cedar Point, loaded with corn and other provisions for Fort Anahuac.

"After the surrender of Fort Anahuac and the release of the prisoners held by Bradburn, our little fleet sailed for Galveston Island, captured the collector and his men and took possession of the custom house and public property."

We will now return to Brazoria and follow Captain John Austin in his attack on Fort Valasco. For a detailed account of this we give

the following account by Captain William J. Russell, a prominent actor in the battle of Velasco:¹

An organization was effected, placing John Austin in command and William J. Russell second in command, and to the immediate command of a fine large schooner, then lying at mooring, (Yoakum says, a schooner lying aground above the post was dislodged and set afloat, and from whence he derived this information it would be difficult to tell) which belonged to Captain John Rowland. This gentleman had engaged in the trade of Texas, and had built this vessel for that purpose and named her Brazoria.

At this juncture of time, Captain Rowland was absent on a trip to San Felipe, and the vessel was pressed for the attack on Velasco and used for that purpose. Volunteers were called for to man the vessel, and a sufficient number was soon obtained; but of them all there were but two besides the captain that knew one rope from another. The mate of the vessel . . . offered his services so far as to assist in "working" her down to a point near the post, with the understanding that he was not to be called on to take any part in the battle, giving as a reason that he was a poor man with a large family dependent on him for support.

This was greed to, and his services were very valuable. There were three small pieces of cannon at Brazoria, which were put on board the vessel, and one on board belonging to her, and with these a move was made down the river for the fort, some twenty-five or thirty miles distant. Captain Austin proceeded by land with the main force. The two divisions met at what was known as Calvert's *Labor*, on the river about two miles above the fort, where final preparations were made for the attack.

The plan and structure of the fort was well understood, of circular form, built of logs and sand, with strong stakes sharpened and placed close together all around the embankment; in the centre stood a bastion, in height considerably above the outer wall, on the top of which was mounted a long nine-pounder, worked on a pivot, and around which, on the top of the bastion, was a parapet wall made of wood, about two feet in height. This parapet, while affording protection to the men working the gun, prevented the depression of the gun so as to operate on any object in close proximity to the fort. All this was well known to the attacking party, and corresponding arrangements were made to save them from the destructive effects of this bastion gun. In order to do this, a lot of thick, heavy plank was procured from William H. Wharton, which was strongly battened together, in width about four feet, which, it was believed, would afford protection against any arms in the fort except the bastion gun. These, together with such tools as were necessary for ditching and forming embankments, etc., were carried by hand.

Finally, just at night, 25th of June, 1832, a general move was made, with the understanding between the principal officers that at a point just below the mouth of East-Union Bayou a final interview was to be had. To this end, after bringing the vessel to anchor at the point proposed,

¹ Since the whole account is taken from Russell—*Texas Almanac*, 1872, pages 167-170—quotation marks are omitted.

the captain went on shore for the contemplated interview. The plan of attack was: The vessel should take position as near as possible to the fort, and open and keep up a fire on it, so as to direct the attention of the garrison from the point where the main attack was to be made; this was accomplished after great labor and risk, owing to a strong southeasterly wind and rapid current, against both of which she had to contend. Auxiliary to this, and for a like purpose, Captain Henry Brown, with his company, took a position on the southeast side of the fort, and, concealed among the driftwood, opened fire on the fort. From these two points—the schooner and Captain Brown—so constant a fire was poured into the fort that they seemed to have no idea that anything else was in store for them. At the proper time, Captain Austin moved with his division, carrying the breastworks as above described, with tools, etc. Strict orders had been issued for every man to empty his gun during the march, and for performing all necessary labor, all of which was carefully explained to the men, and that the utmost silence should be observed.

He reached the point proposed, within thirty-one yards of the fort, at which it was well known the bastion gun could not be made to bear upon them.

The breastworks were placed as desired, which formed a line of about sixty feet, and all went cheerfully to work making a ditch and throwing up an embankment behind and against the wooden works, feeling perfectly confident that before daylight they would be strongly fortified, at which time—daylight—and not before, the fire was to open on the fort.

The work progressed with entire satisfaction, and was well-nigh completed, with no suspicion in the fort of the danger that awaited them from this point until just about midnight, when a man, by name Edward Robinson, who had, contrary to orders, kept the charge in his gun, caught it up and fired at the fort. In a moment a blaze of fire opened upon that position. It was well known by the attacking party that there was mounted on the wall of the fort a small piece of artillery facing the point of their approach, but it was believed that the wooden breastwork was of sufficient thickness to protect those behind it. This proved quite a mistake. Very much damage was done by this small gun, the balls often passing through the planks, inflicting death or wounds. The man Robinson, who gave the alarm, was the first man killed.

There was but little firing from the attacking party until after daylight. So soon, however, as it was light enough to use the rifle, the fire was so destructive that but little return was made from the fort. The contest continued until about eight o'clock on the 26th of June, when a very heavy fall of rain at once put a stop to all operations from that point, and nothing but a retreat could save them, leaving the dead, seven in number, where they fell. All the wounded succeeded in getting off, and, surprising to tell, not one of the retreating party was touched by the grape and canister shot that fell thick and fast among them so soon as the bastion gun could bear upon them.

A number of the retreating party, responding to the call of Captain Russell, who had climbed nearly to the mast-head that he might be the

better heard, came on board the vessel, among whom were Captain Austin and Henry Smith, the latter having an ugly but not dangerous wound in the head. These were all properly cared for, there being a physician and stores on board the vessel.

Very little use was made of the artillery after daylight, as by that time the ammunition for the guns was well nigh exhausted; enough was reserved to protect her from an assault should this be attempted from the fort, it being impossible to moor her, as during the night her mooring had been shot away, and she had drifted on the bank at full tide, where she lay hard upon the ground. A brisk and, no doubt, fatal fire was kept up, however, with rifles—the distance being only one hundred and sixty-nine yards from the schooner to the bastion gun in the fort—to assure the enemy that the contest was not yielded, notwithstanding the retreat, in a shattered condition, of the forces from the principal point of attack. The only serious damage done on board the vessel by the post was that during the night a nine-pound shot passed through her side, striking the mate (who, as per agreement, had retired, as was supposed, to a place of safety) just between his shoulders, passing entirely through him. His death was instantaneous.

The rifle fire was continued from the vessel until ten A. M., when a white flag was hoisted in the fort. This was a welcome sight to those on board the vessel, and was readily responded to. Captain Austin, who was in the cabin enjoying a refreshing and much needed sleep, was called to the deck. At this time two officers were seen approaching the vessel under a white flag.

Captain Austin dispatched William H. Wharton and William J. Russell to meet them, to communicate the terms of capitulation which had been agreed upon, if this was the desire or object of the flag of truce. Terms of capitulation were soon settled, and the garrison allowed to return to Mexico, and thus this initial movement against tyranny was rewarded by a most signal triumph, and that, too, at a comparatively small sacrifice. A subscription was immediately circulated and a respectable amount of money was raised—the amount not remembered—and given to Captain Rowland, to be handed by him to the family of his mate, who was unfortunately killed on board the vessel.²

The terms of capitulation agreed upon by the commissioners were as follows:

“First—The garrison will be permitted to march out with all the honors of war, that is to say, with their arms, ammunition and baggage.

“Second—There shall be a vessel made ready for their embarkation to Matamoras, they paying to the captain of the same six hundred dollars for the voyage.

“Third—If the collector, Don Francisco Duclor, should wish to embark, he may do so, the Sergeant, Ignatius Lopez, and two soldiers, who remain with the former, shall be suffered to come and incorporate themselves.

“Fourth—All the wounded military of the garrison who can march shall carry arms, and those who cannot must remain to be cured, receive

² Here ends Russell's account of the battle of Velasco.

good treatment and hospitality, being supplied with food, which will be satisfied by the nation.

"Fifth—The six hundred dollars which the captain of the vessel is to receive shall be free of duty, and the troops shall be disembarked outside of the bar of the Brazos Santiago.

"Sixth—Lieutenant Colonel citizen Domingo Ugartechea, the two officers who signed, and the ensign, Don Emanuel Pintardo, remain, by this treaty, obliged not to return to take arms, against the expressed plan above cited—the plan of Vera Cruz—formed under the orders of General Antonio Lopez de Santa Anna, and by the garrison of Vera Cruz.

"Seventh—This day at 11 o'clock in the morning, will be ready the schooner Brazoria, in which the garrison of the fort is to embark, but if previous to her going to sea the schooner Elizabeth should arrive at this point, the garrison shall be put on board the latter.

"Eighth—The cannon of eight, and the swivel gun, shall remain at Fort Velasco, with all the public stores, supernumerary guns and ammunition.

"Ninth—All sorts of provisions, after the garrison shall have taken what may be necessary for its march, are to remain in the fort, at the disposal of the owners. . . .

"Camp at the mouth of the River Brazos, June 29th, 1832.

"JUAN MORET,

"JOSE MARIA RINCON,

"W. H. WHARTON,

"W. J. RUSSELL.

"I approve of the above agreement of peace, and will observe it.

"DOMINGO DE UGARTECHEA.

"I approve of the above agreement of peace, and will observe it.

"JOHN AUSTIN."³

A report which Captain Austin later made to Colonel Mexia showed that the colonists found in the fort thirty-five stands of arms in bad order, "wanting locks, bayonets, etc;" a brass eight-pounder; a small iron swivel; thirty cartridges for the cannon, forty-five for the swivel, and two hundred for muskets; forty cartouche boxes; and two brass blunderbusses. Two sergeants and five privates, severely wounded in the battle, were left with the colonists. The colonists had seven men killed, six badly wounded and eleven slightly injured.

These operations have been communicated to all the colonies, the people were thoroughly aroused, a majority of whom determined to rid themselves of these military pests. The news, however, had an opposite and very different effect on the authorities at San Antonio. The Political Chief of the department directed the authorities at San Felipe to call a public meeting of the colonists, and to take measures to put down the rising. However, on his arrival at San Felipe, soon after, he found it necessary to temporize. Yet there were those who denounced our action, and advised strong measures.

³ This capitulation is quoted from an awkward translation in Holley's *Texas* (ed. 1833), pages 158-159.—The Editor.

THE ALAMO, SAN ANTONIO

Captain John Austin, who had been advised of our success in obtaining the release of the prisoners at Anahuac, which obviated the necessity of further action, and also of what was going on at San Felipe, collected a few friends and proceeded to that place. Here he met quite a number assembled, and in angry discussion concerning recent events. His arrival was timely. He at once took a bold stand in defense of what had been done, and urged unanimity. After full discussion, and the Political Chief declaring further action unnecessary, the people quietly returned to their homes. Thus was quieted the excitement as well as divisions which might have grown out of these occurrences.

On Johnson's arrival in San Felipe he was waited upon by the Political Chief and Samuel M. Williams, secretary of the colony, to whom he made a full report of all that had been done, with which the Chief expressed himself satisfied, and soon after left for his home at San Antonio.

The people of Nacogdoches, San Augustine, Tenaha and Bevil's settlement on the Neches, who heartily endorsed the action of their brethren in Austin's colony and on the Trinity, not to be outdone in the good work, called a public meeting, which resolved to organize an armed force, march upon Nacogdoches, invite Colonel Piedras and his troops to declare for the constitution of 1824, surrender, or fight. James W. Bullock was elected to the command. The following address which the ayuntamiento issued on July 28 to the inhabitants of Ayish Bayou, will give some idea of the situation at Nacogdoches:

"We, the subscribing members of the Ayuntamiento, have been, as the constituted civil authority, overawed by the military commander of the frontiers, Colonel José de las Piedras, until longer forbearance would become a crime, by exposing to his unconstitutional wishes the lives, interests, and peace of our fellow citizens.

"In the first instance, he has unconstitutionally demanded more than once the militia forces of the district to be placed under his command; and, when declined, has upbraided us in an official communication by stating that we demonstrated a feeling both of coldness and of enmity.

"Secondly, he has, contrary to our wishes, as an authority in which is vested the power to protect and provide for the interests and peace of the community, called in and employed Indians to aid him in his contemplated warfare, thereby exposing the lives and properties of ourselves and fellow citizens to the dreadful ravages ever to be apprehended from such excited bands.

"And thirdly, he has insulted us while in the exercise of our functions, by saying that Americans and Indians are by him held in the same estimation, and as colonists, on the same footing. And he has also said to a body of our merchants who had waited on him (being somewhat alarmed at his military movements) in answer to a question relative to the safety of their properties, that he would be answerable for the conduct of his soldiers, but not of his auxiliaries.

"Consequently, that the constitution and laws of our country may not be broken; that the lives, interests, and peace of ourselves and fellow citizens may not be jeopardized; we call on you to assist us—as men who have hearts, but not power to be free.

"Therefore, we do make a solemn pledge one to another and to you all, that we will rally around the standard of Santa Anna as the champion of our freedom; and that we will risk our lives and properties in support of the constitution and laws—of our rights and liberties."

This was signed by Alcalde Encarnación Chirino and the other members of the Ayuntamiento—Juan Mora, Antonio Manchaca, Charles S. Taylor, and Augustus Hotchkiss.

On the 1st of August, 1832, Colonel Bullock marched, and encamped near Nacogdoches: Isaac W. Burton, Philip Sublett, and Henry Augustine were appointed a committee to wait upon Colonel Piedras, and communicate to him the resolution of the citizens then in camp near the town, and numbering some three hundred men. Piedras received them courteously, but firmly declined to declare for General Santa Anna, and informed them that he would defend his position to the utmost of his ability.

Having discharged the duty assigned them, the committee returned to their camp, and reported Piedras's resolution. The next day (the 2d) Colonel Bullock marched near the town, hoping to draw Piedras out, but that cautious commander remained quietly in his quarters, a large church, with strong walls, and impervious to the shot of small arms. Colonel Bullock, failing to provoke an attack by Piedras, marched into the town. On his march, the Mexican cavalry made a dash at and fired on the Texans, then wheeled and retreated to their position, with what result we are not informed. In the rally by the cavalry, Don Encarnación Chirino, alcalde of Nacogdoches, was killed. The Texans then took possession of the "Old Stone House," the hotel of John S. Roberts, then occupied as a storehouse, and several others on the plaza, from which positions a desultory fire was kept up—the Texans firing only when a Mexican showed himself. Thus the battle was kept up until evening, when the Mexicans made a sortie, but being repulsed with loss they retired to the church.

Many, if not all, of Piedras's subalterns were known to be republicans and under these circumstances and with communications cut, he wisely determined to retreat under cover of night, and gave the necessary order. He threw his ammunition, except a few rounds, into wells, but left all his other stores, his dead and wounded.

The next morning his advance was fired on, while letting their horses drink at the Angelina. Piedras, believing his retreat cut off, turned over the command to Major Francisco Medina, who on assuming command declared for the constitution of 1824 and General Santa Anna and surrendered his force on demand to the Texans.

Colonel James Bowie, who was absent at the time of the battle, returned about this time, and marched the Mexicans into Austin's colony, where they were all discharged. Colonel Piedras, at his own request, was paroled and sent to Tampico by Colonel Austin.

The Mexicans lost in this battle forty-seven killed and as many wounded. The Texans had three killed and five wounded. This information is drawn from Colonel Bullock's report, which is here given in full:

"NACOGDOCHES, August 9th, 1832.

"*To the Alcalde of San Felipe de Austin.*

"DEAR SIR: I have the pleasure to announce to you that this post surrendered to the Santa Anna flag on the 5th inst. We attacked on the 2d about one p. m. The fight continued without intermission till dark. During the night we were making preparation to storm their strong position, which we could easily have accomplished next day. But Colonel Piedras, with his troops, decamped in the night, leaving behind him all his killed, wounded, public stores, clothing, etc. The fixed-cartridges, powder and lead were thrown in the wells. His intentions appear to have been to make a hasty retreat, but we gave him a warm fire as he was crossing the Angelina about twenty miles from this place, which caused him to call a halt. He there surrendered, and is now a prisoner of war at this place. Allowing him time to arrange his private affairs, he will be sent under a suitable guard to Anahuac on Sunday next. The troops will be sent to the same point, under the superintendence of Colonel James Bowie, who has politely offered his services. [This plan was changed. Colonel Piedras was sent to Velasco, escorted by Asa M. Edwards, and the troops to San Antonio, under Colonel Bowie.]

"At the time we made the attack about sixty Cherokee Indians, with Bowles at their head, well armed and mounted, were within gunshot. I sent for them and after much explanation, they appeared to understand the object for which we were fighting, stating that they had been deceived by Colonel Piedras, who had told them many lies, etc.

"We, however, doubted their sincerity, and no doubt they would have assisted him had we not completely succeeded.

"Colonel Piedras, from the best information I can get, has forty-seven killed and as many wounded. Our loss comparatively small. (Don Encarnacion Chirino, the Alcalde, fell at the hands of his own countrymen.) S. P. Hopkins and W. Hathaway were killed and five wounded; the latter now on the way to recovery. The Ayuntamiento will write by this conveyance. You will please communicate the result to the citizens of your district and others who were enlisted in our common cause; and let those who had assembled to our assistance return to their homes with the thanks of this command.

"Your friend and fellow-citizen,

"JOHN W. BULLOCK,

"*Col. Commanding.*"

In the meantime, at the first sound of alarm, Colonel Francisco Ruiz, of Tenoxtitlan, evacuated that place and fell back to San Antonio. The garrison at Anahuac had sailed for Mexico in July, to join Santa Anna, and thus the Anglo-American settlements were freed from the military. Garrisons still remained, however, in the Mexican settlements at Goliad and San Antonio.

Meanwhile, news of the disturbance at Anahuac and Velasco had been communicated to the national and state authorities. Colonel Austin was a delegate to the state legislature, then in session, but on receipt of the news from Texas he obtained leave of absence to return home. On his arrival at Matamoras he met Colonel José Antonio Mexia,

who informed him that he had been ordered to reduce Matamoras first and then proceed to Texas to reduce the rebellious colonists. He said, however, that he had entered into a convention with Colonel Guerra, commandant of Matamoras under the Bustamante government, and that he had a squadron of five vessels and four hundred soldiers. Colonel Austin informed him that he was then on his way to Texas, and that he had no doubt that the colonists had been misrepresented to the government. Mexia invited him to take passage with the squadron, which Austin readily accepted. On the 14th of July they left Brazos Santiago and sailed for the mouth of the Brazos River, where they arrived on the 16th. Colonel Austin proceeded immediately to the town of Brazoria, where he reported the presence of Colonel Mexia and his fleet at the mouth of the river.

Mexia addressed a letter to Captain John Austin, inclosing a copy of the convention between himself and Colonel Guerra, and stating the object of his visit to Texas. The following is the correspondence between Mexia and Austin:

"Sir—I have the honour to enclose you a copy of the convention entered into between the commandant in chief of Matamoras and myself on the 6th of the present month. This document will inform you of the motives which brought me to Texas, and what would have been my course had the late movements here been directed against the integrity of the national territory.

"But if, as I have been assured by respectable citizens, the past occurrences were on account of the colonists having adhered to the plan of Vera Cruz, and I am officially informed of that fact in an unequivocal manner, you can in that case apprise the inhabitants that I will unite with them to accomplish their wishes, and that the forces under my command will protect their adhesion to said plan. This occasion affords me the opportunity of presenting to you the assurance of my consideration and respect.

"God and Liberty, off the mouth of the Brazos River on board the brig of war Gen. Santa Anna.

"JOSÉ ANTONIO MEXIA."

"To citizen John Austin, Alcalde, 16th July, 1832."

To this Austin replied as follows:

"SIR: I have received your official letter dated 16th of the present month, and in reply have the honour to inform you that a committee appointed by the inhabitants of this town will present you copies of the acts and resolutions heretofore adopted, and the documents to the past occurrences, which will explain to you the principles that have governed us up to this time. These documents contain our true sentiments and will serve as an answer to your official letter to me, dated the 16th of this month.

"The enemies of Texas, the enemies of the enterprising men who have devoted their time and labours to improve a country that was never before trod by civilized men, have taken pains and are continually doing it, to attribute to us a disposition to separate from the Mexican confederation. We have not entertained and have not any

such intention or desire. We are Mexicans by adoption, we are the same in hearts and will so remain. If the laws have granted to us the honourable title of citizens, we wish that title should be respected, and that the authorities established by the constitution of the state shall govern us. We are farmers and not soldiers, and therefore desire that the military commandants shall not interfere with us at all. Since 1830 we have been pretty much governed militarily, and in so despotic a manner that we were finally driven to arms, to restrain within their limits the military subalterns of the general government. We have not insulted the flag of our adopted country, as has been falsely stated by our enemies, but on the contrary, we have defended and sustained its true dignity, and attacked those who have outraged it, by using it as a pretext for their encroachments upon the constitution and sovereignty of the state of Coahuila and Texas, and as a cover for their baseness and personal crimes. The commandant of Fort Velasco acted under the orders of the commandant of Anahuac, Col. Juan Davis Bradburn, who was his superior. An investigation of the conduct of this officer at Anahuac will inform you fully of the details of many despotic and arbitrary acts. He refused to respect the authorities or the constitution of the state of Coahuila and Texas, or to adhere to the plan of Vera Cruz, which we had adopted. He was sustained by the commandant of Nacogdoches, Col. Piedras, and by that of Fort Velasco, Lieut. Col. Ugartechea, and consequently we were compelled to oppose them all. Col. Ugartechea was invited by a committee appointed for that purpose to espouse the plan of Vera Cruz. He refused to do so, and we attacked Fort Velasco on the 27th of last month, with 120 farmers hastily collected, without discipline and badly armed. And after an obstinate and bloody engagement of 11 hours, it capitulated on the terms expressed in the enclosed copy of the capitulation, every article of which has been strictly complied with on our part, besides furnishing him with the provisions he needed for his troops. I herewith furnish you a return of the killed and wounded.

"This, sir, is what passed. I hope it will be sufficient to convince you that these inhabitants have not manifested any other desire or intention than to unite with Gen. Santa Anna, to procure the establishment of peace in the republic, under the shield of the constitution and laws—and that the sovereignty of the states shall be respected.

"It is a matter of pride and congratulation to me that you have come to this place to see, with your own eyes, the rectitude of our sentiments, and that it has afforded us the opportunity of presenting to you our respects; and the assurances of our hearty co-operation in the great and glorious cause which is so nobly advocated by our distinguished commander-in-chief, Gen. Santa Anna. God and Liberty.

"JOHN AUSTIN."

"To Citizen Col. Jose Antonio Mexia.

"BRAZORIA, July 18, 1832."

Colonel Mexia remained six days at Brazoria and was entertained by the colonists in lavish fashion, with public meetings, a banquet and a ball. He was apparently thoroughly convinced of the sincerity of the Texan declarations in favor of Santa Anna and the plan of Vera Cruz,

and left the mouth of the Brazos on July 23. After his departure the municipalities of Texas generally passed resolutions declaring their adhesion to Santa Anna. The ayuntamiento of San Felipe on July 27, after reviewing the recent history of the colonies, resolved as follows:

"First. That they solemnly adhere to the said plan of Vera Cruz and to the principles of the republican party headed by Gen. Antonio Lopez de Santa Anna.

"Second. That the inhabitants of this colony have never for one moment deviated from their duty as Mexican citizens, that in adopting the plan of Vera Cruz they have no other object in view than to contribute their feeble voice and aid in sustaining the constitution and the true dignity and decorum of the national flag, and the rights of the state of Coahuila and Texas, which have been insulted by military encroachments in these colonies since 1830, and that they will be at all times ready to take up arms in defence of the independence and constitution of their adopted country and the integrity of its territory.

"Third. That the general and state constitutions ought to be rigorously observed as the only guarantee for public tranquillity and national freedom, and past abuses corrected.

"Fourth. That the liberty of the press ought to be established without any censorship or restriction whatever, other than a recourse of the judicial tribunal in case of personal slander.

"Fifth. That all citizens ought to be subjected to the same laws and the same tribunals for civil offences; thus destroying all privileged orders which are repugnant to a republic.

"Sixth. That conciliatory measures ought to be adopted to put an end to the present civil war on a basis that will effectually guarantee the security and rights of all persons who have taken part on either side and prevent the recurrence of similar difficulties by adapting the laws and the administration of the government to the genuine principles of the federal republican system.

"Seventh. That a large standing army is totally unnecessary for national defence, in the present state of friendly relations between Mexico and all foreign powers except Spain, which latter, it is well known, is too impotent to attack her; that such an army is a burthen to the people and consumes the revenue of the nation without any benefit; that it endangers the national liberty and is continually disturbing the public tranquillity by affording the means of committing and defending despotic acts and producing revolutions.

"Eighth. That the measures of the administration since 1830 have been directed to embarrass and retard emigration from foreign countries, rather than promote and encourage it; thus paralyzing the advancement of the nation, and preventing the settlement of its uninhabited and wild lands, to the evident injury of the national prosperity.

"Ninth. That a copy of this act shall be delivered to Col. José Antonio Mexia, an officer of the liberating army, now in Texas, with a request that he will transmit the same to his excellency, the commander-in-chief, Gen. Santa Anna, with the assurances of the respect and hearty co-operation of the inhabitants of this colony, in the glorious work of political regeneration in which he is engaged.

"Tenth. That a copy of this act shall be transmitted to each Ayun-

tamiento in Texas, and to the chief of the department of Bexar, to be forwarded to the Governor of the state, in order that his excellency may be pleased to use his influence with the legislature, whom we respectfully petition to take under consideration the principles expressed in said act, and to adopt such measures as in their judgment will tend to restore the tranquillity of the confederacy, and protect the rights of the state."

In concluding the events and occurrences of this eventful year, 1832, we may mention a battle between the Comanche and the Shawnee Indians. Notwithstanding the treaties formed with several of the border tribes, other tribes made frequent raids, committing murders and robberies. Fortunately for Texas, many of the tribes were at war among themselves, hence this battle between the Comanches and Shawnees afforded some relief as well as satisfaction.

The following account of the battle appeared in the *Telegraph* and *Texas Register* for August 14th, 1839:

"In 1832 a party of five hundred Comanches came into San Antonio. At that time a party of Shawnees, twenty-five in number, were encamped in the hills, about thirty-five miles from the town. A Comanche Indian attempted to carry off one of the Shawnee women, who was in the town. She fled to her people, gave them information of what had occurred, and they prepared an ambush for their enemies at a point where they expected them to encamp. The Comanches came as anticipated, and took off their packs. Just at this time the Shawnees opened fire on them; and, though they rallied often, so deadly was the fire, and so secure the position of the attacking party, that the Comanches at last fled, leaving one hundred and twenty-five dead on the field. The discomfited party returned to San Antonio, and the Mexican authorities sent out a large force to assist them."

The foregoing account is an exaggeration, untrue in all except that a battle was fought with the Shawnee visitors. The following account was given to the author, then engaged in surveying on the upper Brazos, by Shawnee Tom, well known to the early Texans, and one of the party of Shawnees who had been out trapping in the upper Colorado and its tributaries. They had been very successful and on their return encamped east of San Antonio. At that time there were some hundred and fifty Comanches encamped near the town of San Antonio. The Shawnees, seventeen in number, two of whom were boys, had stopped to procure more animals, as their own were unable to carry their furs and peltries. The presence of the Comanches, who had a considerable number of horses, afforded the Shawnees an opportunity of supplying themselves at the expense of the Comanches. Accordingly, at night they surprised the Comanches camp, and drove off a number of their horses, more than sufficient to supply their wants. The next morning the Comanches attacked the Shawnees, who occupied a strong position which they had strengthened with their packs and brush. After several unsuccessful charges, the Comanches withdrew and retired to San Antonio, where they reported their disaster, and called upon the authorities for aid in recovering their horses. The Mexicans furnished them with a company of cavalry, with which they returned to the scene of their defeat; after maneuvering and yelling for some time, but at a

safe distance from the range of the deadly rifles, they withdrew and returned to San Antonio.

The loss of the Comanches is not known, as they left none of their dead and wounded on the ground, but it is probable that their loss did not exceed fifteen or twenty, killed and wounded. The casualties of the Shawnees were one boy wounded. The Shawnees remained in their position, but when no further attack was made they resumed their journey and arrived safely at Tenoxtitlan, on the Brazos River, where Tom and some others of the party stopped; the others proceeded to Nacogdoches.

The foregoing is a substantial account of the battle as narrated by Tom and it is believed to be true.

CHAPTER VII

THE CONVENTIONS OF 1832 AND 1833 ¹

On August 22, just a month after the departure of Colonel Mexia, the ayuntamiento of San Felipe issued through its two alcaldes a call for a convention to meet at San Felipe on October 1, 1832. Several reasons were given for issuing the call: (1) The separate districts of Texas had been taking action individually to restore the constitution and laws which had been deranged by the troops. "These measures have heretofore been adopted by the inhabitants of each district without any general concert; thus exposing Texas to the danger of confusion, which might materially affect the public tranquillity." (2) "The late occurrences have been grossly misrepresented by the enemies of Texas, and efforts have been made, and are continually making, to prejudice our fellow-citizens, in other parts of the Mexican Republic, against the people of Texas, by circulating reports that the object of the late events was to declare this country independent of Mexico, which is absolutely false and without any foundation in truth." (3) "The Indians have commenced depredations on the frontiers of the Rivers Brazos, Colorado, Guadalupe and San Antonio; and the scattered situation of the settlements imperiously requires that some measures should be adopted for their security." (4) "There are, indeed, many subjects connected with the welfare of Texas which ought to be laid before the Constitutional Authorities of the Mexican Nation: and these considerations of safety to ourselves, respect for the character of the people of Texas, the motives which have influenced them, and the sanctity of the cause of the Constitution, as proclaimed in Vera Cruz, which we have espoused, have induced the Civil Authorities of the Municipality of Austin, to recommend that the people of Texas should be consulted at this important crisis, which may be done by the election of Delegates."

Though the time allowed by the call was short; sixteen districts of the Anglo-American section of Texas elected delegates to the convention. From San Felipe were Stephen F. Austin, Wily Martin, F. W. Johnson and Luke Lesassier; from Brazoria (the district of Victoria, as it was called), George B. McKinstry, William H. Wharton, John Austin, Charles D. Sayre; from Mina (Bastrop), Ira Ingram, Silas Dinsmore, Eli Mercer; from Hidalgo, Nestor Clay, Alexander Thompson; from San Jacinto, Archibald B. Dobson, George F. Richardson, Robert Wilson; from Viesca, Jared E. Groce, William Robinson, Joshua Hadly; from Alfred, Samuel Bruff, David Wright, William D. Lacy, William R. Hensley, Jesse Burnham; from Labaca, William Menifee, James Kerr, George Sutherland, Hugh McGuffin, Joseph K. Looney; from Gonzales, Henry

¹ In its present form this chapter is mainly the work of the editor.

S. Brown, C. Stinnett; from Mill Creek, John Connell, Samuel C. Douglass; from Nacogdoches, Charles S. Taylor, Thomas Hastings, and Truman Hantz; from Ayish Bayou, Philip Sublett, Donald McDonald, William McFarland, Wyatt Hanks, and Jacob Garret; from Snow (Neches) River, Thomas D. Beauchamp, Elijah Isaacs, Samuel Looney, James Looney; from Sabine, Benjamin Holt, Absalom Hier, Jesse Parker; from Tenaha, William English, Frederick Foye, George Butler, John M. Bradly, Jonas Harrison; from Liberty, Patrick C. Jack, Claiborne West, James Morgan.

Stephen F. Austin and William H. Wharton were nominated for president and F. W. Johnson and C. D. Taylor for secretary. Austin was elected by thirty-one votes to Wharton's fifteen, and Johnson won over his opponent by a vote of thirty-four to eleven. In the meantime, the convention had been called to order by John Austin, who explained the object of the meeting as follows:

"1st. The Revolution which commenced at Vera Cruz, on the 2d January last, under the command of Gen. Santa Anna, reached this remote section of the Nation, and movements of a warlike character have taken place—the consequence of which has been that the Military Garrisons have all been compelled to quit the Country. These movements have been greatly misrepresented by the enemies of Texas, and have been attributed to objects entirely different from the true ones. It was, therefore, considered to be highly important to the interest of Texas, and of the Nation, to counteract these misrepresentations by a plain statement of facts; and that a decided declaration should be made by the people of Texas, convened in General Convention, of our firm and unshaken adhesion to the Mexican Confederation and Constitution, and our readiness to do our duty as Mexican Citizens.

"2d. The 11th article of the Law of the 6th of April, 1830, which prohibits natives of the United States of the North, from emigrating to these Colonies, has entirely paralyzed the advancement and prosperity of Texas, and exposed it to be filled with a bad and useless population. That law also severs families and friends, by preventing a removal to this country of many who remain behind in the United States, and for whose reception in this country preparations had been made by their relatives and friends, who came out as pioneers for that purpose. This point was deemed by the Alcaldes to be one of sufficient importance to be noticed in a Memorial to the Government, by a Convention of Texas, praying for a repeal or modification of that article.

"3d. The Land Business to the East of Austin's Colony still remains in a very unsettled and uncertain state, and the Alcaldes were also of opinion that this was a subject which ought to be represented to the General Government.

"4th. The Tariff, as now established, operates very injuriously against the agriculture and advancement of the infant settlements of Texas; and the Alcaldes were of opinion that it would be proper for the Convention to represent this matter and respectfully petition for a reduction of the duties on such articles as could not be easily transported into the interior as contraband, and are of indispensable necessity to the farmers of Texas. These four topics embrace all that the Alcaldes had in view, at the time of making the request for this Convention. It is

considered by us that it is the duty of the people of Texas to lay their situation before the General Government in order that such Legislative aid may be afforded us, as the general good of the Nation, and of Texas, may require; and to accompany it with a firm declaration of our unshaken allegiance to the Mexican Constitution and Nation. All which is respectfully submitted for the consideration of the Convention."

Committees were appointed to draft resolutions on all these subjects. The committee on the eleventh article of the law of April 6, 1830, was composed of William H. Wharton, Luke Lesassier, Jonas Harrison, George Sutherland, and P. C. Jack. In drafting its memorial it was instructed "to set forth to the government the toils and difficulties and dangers encountered by the colonists in the early settlement of Texas, and their respect for, and attachment to, the constitution and laws of the republic." Charles D. Sayre, James Morgan, Jared E. Groce, Charles S. Taylor, J. K. Looney, George B. McKinstry and John Austin were appointed to petition for reduction of the tariff, and to make "such an exposition as will prove to the government, as far as practicable, that the reduction of duties would increase the revenue of the country." A committee of twelve was appointed to consider the land business east of the San Jacinto, and other committees were appointed to consider Indian affairs; to provide for the administration of the custom houses; to petition for a grant of land "for the purpose of creating a school fund, to provide for the future establishment of primary schools;" to recommend a uniform method of organizing the militia; to petition the state government "to pass a law authorizing the people of Texas (whose native language is English) to have all their transactions and obligations written in the English language, except those which have an immediate connection with government;" and to memorialize the government in favor of a land grant to the Indians who had recently immigrated to Texas from the United States.

Another committee that deserves fuller mention was appointed on motion of William McFarland of Ayish Bayou to report on the expediency of petitioning for a state government. The ayes and noes were called for on this motion and it was carried by a vote of thirty-six to twelve. Two members were appointed from each district represented in the convention. There was danger that a petition for separation from Coahuila might be misunderstood by the Mexican government, but the idea was not a new one in Texas. General Terán had recommended the erection of Texas into a federal territory as early as 1829, and one of the toasts offered at the recent banquet to Colonel Mexia in Brazoria was, "Coahuila and Texas—they are dissimilar in soil, climate and productions; therefore they ought to be dissolved." Terán's idea, of course, was that the territorial organization would deliver Texas more completely into the hands of the federal administration; the colonists, however, wished a state organization, which would make them more nearly independent in all local affairs.

The committee on the tariff respectively represented "that the duties on articles of the first necessity to the inhabitants, which are not, and cannot be, manufactured in Texas, for several years to come, are so high as to be equivalent to a total prohibition; that many other articles which are prohibited by the Tariff are of the first necessity to the settlers of

Texas; and as the people, in this section of the Republic, are yet almost without resources, and are generally farmers who make their support by cultivating the land, and have no manufacturing establishments yet erected within the limits of Texas—they respectfully petition the General Government to grant for three years the privilege of introducing free of duty such articles as are indispensable to the prosperity of Texas; among which this Convention begs leave to enumerate the following, viz.: Provisions, Iron and Steel, Machinery, Farming Utensils, Tools of the various Mechanic Arts, Hardware and Hollow-ware, Nails, Wagons and Carts, Cotton Bagging and Bale Rope, coarse Cotton Goods and Clothing, Shoes and Hats, Household and Kitchen Furniture, Tobacco for chewing in small quantities, Powder, Lead and Shot, Medicines, Books and Stationary. The foregoing articles include the principal imports made use of, and wanted by the inhabitants of Texas; many of them are prohibited, and on those which are allowed to be introduced the duties are so high that they amount to a prohibition. The trade to Texas is small, and the resources limited, but if fostered by a liberal policy on the part of the general Government, it will, in a few years, yield a revenue of no small importance.” After some discussion this memorial was adopted without amendment.

William H. Wharton reported for the committee on the law of April 6, 1830. The Texans, he said, were loyal citizens of Mexico, grateful to the government for its kindness and liberality to them. At the same time, the Texans felt that they had earned consideration from the government. They had received large gifts of land, but considering “the difficulties with which the taking possession of it was environed, it will not be thought so magnificent a bounty, nor so entire a gratuity.” The lands were in an unexplored wilderness, occupied by savages, “inaccessible to the commonest comforts of life,” and are developed only by much toil and privation. “From this it must appear that the lands of Texas, although nominally given, were in fact really and dearly bought.” Moreover, the donation of land by a nation to colonists on condition of their becoming citizens was very different from a gift by one individual to another, because by such a policy the nation really augments its own resources. Nevertheless, for the first six or seven years after the commencement of the Texas settlements the colonists felt nothing but gratitude and loyalty. The only portion of their conduct during this period “that could be tortured into anything like disloyalty, was the Fredonian disturbance at Necogdoches in 1826. And when it is considered by whom these disturbances were originated, and by whom quieted, instead of exciting the suspicion of government” that affair should confirm its confidence in their patriotism. The movement was inaugurated by “fifteen or twenty infatuated individuals” and was opposed by ninety-nine hundredths of the settlers. Up to the passage of the law of April 6, 1830, their conduct was orderly and patriotic, but “the passage of this law was a mortifying and melancholy occurrence for Texas. It was mortifying to us, because it must have been founded on a suspicion that we were disposed to rebel: Such suspicions did us great injustice—for we had uniformly exhibited strong proofs of our attachment to the Constitution. It was a melancholy event for us, for it blasted all our hopes, and was enough to dishearten all our enterprise. It was peculiarly mor-

tifying, because it admitted into Texas all other nations except our friends and countrymen of the United States of the North; except the fathers and brothers of many of us, for whom we had emigrated to prepare comforts and homes, and whose presence, to gladden our firesides, we were hourly anticipating.

"This law was sufficient to goad us on to madness, inasmuch as it blasted all our hopes, and defeated all our calculations; inasmuch as it showed to us that we were to remain scattered, and isolated, and unhappy tenants of the wilderness of Texas, compelled to gaze upon the resources of a lovely and fertile region, undeveloped for want of population, and cut off from the society of fathers and friends in the United States of the North—to prepare homes and comforts suited to whose age and infirmities, many of us had patiently submitted to every species of privation. But what was our conduct? As peaceful citizens, we submitted. The wheels of Government were not retarded in their operation by us. Not a voice, nor an arm was uplifted. We had confidence in the correct intentions of Government, and we believed and hoped that when the momentary excitement of the day had subsided, a returning sense of justice and liberality would give this obnoxious law a brief duration. For more than two years we have remained in this peaceful—this unmurmuring attitude. . . .

"The destroying influence of the Law of the 6th of April, 1830, upon the prospects of Texas, has been only incidentally attended to—that effect of the law being too obvious to require expatiation or argument. This law is, likewise, as injurious to the National Revenue at large as to us individually, for it is evident that the greatness, the power, the wealth, and the independence of a nation, depend upon a proper development of its resources. Can the resources of Texas be properly developed with this law hanging over it? We believe not. We believe under such circumstances it would remain the comparative wilderness it now is. . . .

"When all of these things are considered, we cannot but believe that the former characteristic justice and liberality of your Honorable Bodies will return to our aid and bring about an immediate repeal of this, to us, ever to be deprecated measure. That justice, that liberality, we now most respectfully, and solemnly, and unanimously, and confidently invoke."

The committee appointed to consider the administration of the custom houses reported that in its opinion the convention should not interfere with the Tariff, and recommended that collectors should be appointed for Matagorda, Brazoria, and Galveston Bay by the alcaldes in whose jurisdiction these places respectively lay. Such collectors should be required to give bond, and it should be their duty to collect tonnage duties from foreign vessels entering these ports, making quarterly reports to the local alcaldes of all revenues received. This arrangement was to cease as soon as the government sent regular collectors to take charge of the work.

The report on the separation of Coahuila and Texas was referred to a select committee for revision, composed of Messrs. McFarland, Wharton, Lesassier and Stephen F. Austin, and was then adopted. The petitioners believed "such separation indispensable to their mutual happiness

and prosperity; and that ultimately such division would produce the most happy results to the Mexican republic." More particularly they desired separation because the settled portions of Texas and Coahuila were so distant from each other, and the interests of the two sections were so different that it was impossible for a single legislature to provide satisfactorily for the needs of both.

"Coahuila being so distant from the population of Texas, and so widely variant from it in interests—the rights and wants of the people of Texas, cannot be properly protected and provided for, under the present organization, admitting the several Departments of the Government of the State to be prompted by the utmost purity of intention, in their efforts for the administration of justice.

"Coahuila and Texas are dissimilar in soil, climate and productions, in common interests, and partly in population—the representatives of the former are numerous, and those of the latter few—in consequence of which, any law passed peculiarly adapted for the benefit of Texas, has only to be the effect of a generous courtesy. Laws happily constructed for the benefit of Coahuila, and conducive to its best interests, might be ruinous to Texas—such are the conflicting interests of the two countries. For instance, the unconstitutional law, prohibiting any but native Mexicans from retailing merchandise—which extends to the exclusion of naturalized citizens, from any participation in that employment." "For these reasons and many others," which congress would readily conceive, they respectfully asked that "that part of the Mexican republic known by the name of Texas shall become a separate state of the Confederacy, to be placed on an equal footing with any of the states of the Union."

Having heard the reports of the other committees and elected William H. Wharton to carry the various memorials to Mexico and present them to the state and general governments, the convention appointed a "Central Committee" and a number of local committees, and adjourned on October 6. The duty of these committees was to keep up a "regular and stated correspondence with each other on all subjects relating to the peace and safety of the frontier, and on all relating to the tranquillity of the interior; and they should endeavor, by a conciliating, patriotic and magnanimous policy, to impress upon the public mind the high importance of making every sacrifice, but the sacrifice of honor and principle, to the all-important and transcendent object of united counsels." The Central Committee was given the power to call another convention whenever it thought proper. It was composed of F. W. Johnson, J. B. Miller, Stephen F. Austin, L. L. Veeder, Robert Peebles, Wily Martin, and William Pettus; and had its headquarters at San Felipe.¹

Delegates arrived from Goliad after the convention adjourned; and for a time delegates were expected from San Antonio, but they never appeared. The Central Committee appointed Rafael Manchola of the Goliad delegation to accompany Wharton, but as events turned out neither of them went to Mexico.

After the convention adjourned Johnson, as Chairman of the Central

¹ The journal of the convention of 1832 is printed in Gammel, *Laws of Texas*, I, 477-503.

Committee, sent to the ayuntamiento of San Antonio a somewhat full report of its proceedings.²

"To the Ayuntamiento of Bexar:

"Pursuant to a call of the Alcalde of this municipality, a general meeting of the inhabitants of Texas, through delegates, took place in this town on the 1st inst., fifty-eight delegates being present. The object of the meeting was to make to the general Congress an exposition of the situation of Texas. After full deliberation it was concluded to represent to the Congress, agreeably to article 2d of the law of May 7th, 1824, that Texas has the proper requisites to form singly a State separate from Coahuila. It was further agreed to claim a reform of the maritime tariff, and the abrogation of article 11th of the law of April 6th, 1830, prohibiting the immigration of natives of the United States of the North. A request was also made to the government to appoint a commissioner for the settlement of land matters, and to establish an Ayuntamiento between the San Jacinto and Sabine Rivers; also to grant certain lands to the Ayuntamientos of Texas, by the sale whereof they might raise the funds needed to erect school houses and support schools of the Spanish and English languages. In view of the exposed situation of the country to Indian depredations, the convention agreed upon framing a provincial regulation for the militia. They also appointed a standing, or central, committee in this town and subordinate committees in every section represented in the body. It was made the duty of the central committee to correspond with the subordinate committees, inform them concerning subjects of general interest, and in case of emergency, to call another general meeting or Texas convention. This committee was further instructed to open a correspondence with the people of Bexar, and to invite them to co-operate in the furtherance of the foregoing objects.

"The general meeting, under a sense of the high importance of the matters discussed and acted upon, agreed upon sending a delegate to Saltillo and Mexico, charged with the duty of earnestly urging them upon the consideration of the government, and to that end they selected citizen William H. Wharton as their representative.

"It was the earnest wish of the convention that some suitable person, either from Bexar or Goliad, should accompany the delegate from this town, and co-operate with him in the presentation to the government of the matters confided to his management, but they took no step in that direction, not knowing whether the people of those sections would approve of what had been done. But, after the meeting had concluded their business, the delegates from Goliad arrived and, having manifested to the committee their hearty acquiescence in the conclusions reached by that convention, and expressed the wish of the people of Goliad that a delegate should be appointed from their district to accompany citizen William H. Wharton on his mission before mentioned, and Don Rafael Manchola having been suggested, it was agreed by the committee jointly with the delegates from Goliad that he receive the appointment, subject to the concurrence of all the subordinate committees. It was also

² A copy of his letter is printed in Brown, *History of Texas*, I, 211-213.
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agreed that the expenses of the delegates should be defrayed by means of voluntary contributions, and for this purpose the subordinate committees are instructed to open subscriptions aggregating the sum of four thousand dollars, out of which each delegate shall be paid the sum of two thousand dollars. All the foregoing I communicate to your body, by order of the convention, hoping that the people of Bexar will approve the measures adopted and proceed to the appointing of a committee in that city, charged with the duty of a correspondence with the committee of this town.

"It is hoped, also, that you will approve the appointment of Don Rafael Manchola to proceed to Saltillo and Mexico in company with Mr. Wharton for the purposes above stated and that you will acquaint the central committee in this town, as soon as possible, with your decision and furnish them the names of the members of the committee appointed in your city. So soon as the documents embodying the several subjects acted upon by the convention shall have been translated into Spanish, copies thereof will be sent to the committee of your city, for the information of the public. God and the prosperity of Texas.

"F. W. JOHNSON, *Chairman.*"

"JAMES B. MILLER, *Secretary.*"

The Mexican authorities uniformly condemned the convention. Angel Navarro wrote for the ayuntamiento of San Antonio, saying that it was untimely, uncalled for, and that no hope could then be entertained "of a successful issue of the matters urged. All such meetings are prohibited by the supreme power and existing laws. The Political Chief of the department should have been consulted before such action was taken." Ramon Musquiz, the political chief, wrote to Austin and to the ayuntamiento of San Felipe strongly condemning the meeting; and the governor instructed the political chief "to give the ayuntamiento of San Felipe de Austin and other authorities of your department to understand that this government views with high displeasure all proceedings opposed to the constitution and existing laws, and that it will be compelled to take efficient measures to repress every disturbance of good order that may arise under any pretense whatever." Finally Santa Anna wrote to President Pedraza, giving his views on the Texas situation.³

"I deem it my duty to call special attention of the President to the condition of Texas. Satisfied as I am that the foreigners who have introduced themselves in that province, have a strong tendency to declare themselves independent of the republic; and that all their remonstrances and complaints are but disguised to that end, I think it to be of paramount importance that General Filisola should forthwith proceed to fulfill his mission, having been first well supplied with good officers and the greatest number of troops possible, with instructions both to secure the integrity of our territory, and do justice to the colonists. The interest of the nation requires a kind policy towards those people, for they have done us good service and, it must be confessed, they have not on all occasions, been treated with justice and liberality. That they have

³ Translation in Brown, *History of Texas*, I, 221-222.

grounds to so feel towards our government is derogatory to the honor of the republic, and is deeply felt by them. Moreover, it is possible for them to become so exasperated as to make it impracticable to restore order among them without much trouble."

In reply to the letter of Political Chief Musquiz just mentioned, Austin wrote, defending the convention. He had had nothing to do with calling it, he said, but he was satisfied that its effect would be beneficial. His letter, which shows his habitual straightforward earnestness and good sense, is as follows:

"SAN FELIPE, Nov. 15, 1832.

"ESTEEMED FRIEND: I agree with the sentiment expressed in your appreciated letter of the 8th inst., just received: 'He is to be pitied who has the misfortune to be at the head of public affairs in revolutionary times;' but the only safe rule to follow is, to do one's duty regardless of the judgment of others. By this rule I have ever aimed to shape my actions, and my conscience is at rest. On several occasions I have found myself begirt with weighty embarrassments, but to the law of duty just mentioned, as to a polar star, I have looked for guidance and my aim has ever been to promote the true interests of the nation and of Texas.

"With regard to the convention of which you speak, I can assure you it did not originate with me, but I am satisfied some good will result from its action. Already the public is better satisfied, and we have had more quiet than we had some time anterior thereto. As to my communication to the Ayuntamiento in relation to the convention, I believe that it would have been better not to have written it. Revolutionary times are not like peaceable times. Colonel Bradburn could, with the least prudence, have avoided all the evil that, like a pall, has for some time mantled the country. I tell you candidly, that in my opinion it would be very impolitic to translate and print your communication. I shall not do so. The Ayuntamiento may do as they please. In times like the present, any measure is bad that tends to irritate and produce excitement; every measure is good that is calculated to soothe, bind up and bring about tranquillity and good order.

"I have but little hope of obtaining anything from the government of Mexico. There is little probability that we shall soon have a stable and peaceable order of public affairs; and I give it as my deliberate judgment that Texas is lost if she take no measure of her own for her welfare. I incline to the opinion that it is your duty, as Chief Magistrate, to call a general convention to take into consideration the condition of the country. I do not know how the State or General Government can presume to say that the people of Texas have violated the constitution, when the acts of both governments have long since killed the constitution, and when the confederation itself has hardly any life left. I cannot approve the assertion that the people have not the right to assemble peaceably, and calmly and respectfully represent their wants. In short, the condition in Texas is bad, but we may fear to see it still worse.

"I am settling up all my affairs, and in April I will go to the north for six months or a year. In Texas things present no hopeful aspect, but still when away I shall be glad to be informed how matters go on. I hope you will, from time to time, let me hear from you, telling me of

current events, especially of such things as indicate vitality or death of the constitution; also as to whether or not a presidential election has occurred, and what new hope may have sprung up as to an early and peaceful settlement of the affairs of our country. In the meanwhile, please command

"Your affectionate friend,
"S. F. AUSTIN."

Notwithstanding the refusal of the ayuntamiento of San Antonio to participate in the convention, it seemed to endorse most of the measures desired by the colonists. A remonstrance addressed to the state government on December 19, 1832, complained of the backward state of the province, which it attributed to the neglect and outright abuses of the government, to the law of April 6, 1830, and to the lack of proper representation in the joint legislature of Coahuila and Texas. The remedy that it suggested was the repeal of the law of April 6, 1830, in so far as it interfered with immigration from the United States; and the separation of Texas and Coahuila and the erection of a state government in Texas.⁴

Nevertheless, Musquiz remained unconvinced of the innocent character of the convention. He believed that it was a preliminary step to secession from Mexico, and he strongly suspected that the United States government was at the bottom of the movement. The following letter,⁵ which he wrote March 11, 1833, to the vice-governor forcefully presents this argument:

"The Political Chief of Bexar to the Vice-Governor of Coahuila and Texas:

"In compliance with my duty and in order to give your excellency an exact and complete idea of the present political situation of the colonies and other settlements on the coast and frontier of this department, I have thought proper to forward to you the accompanying papers, which, together with the other documents already in your hands, will place in their true light the movements in the town of San Felipe de Austin, towards which the attention of the supreme power in the State has been so seriously turned. This matter, in my estimation, is of such weighty importance as to justify and call for some suggestions on my part as to the origin of the difficulties and their real tendencies. These suggestions I make, both under a sense of official duty and as a Mexican, justly proud of his birth and nationality.

"Among the North Americans who have introduced themselves into the country there are not a few men who understand the nature of a democratic government and have right conceptions of the manner in which that system was made the basis of the constitution both in the United States and Mexico. According to neither of these systems of fundamental law, as these adopted citizens know right well, has the time come to constitute Texas into a separate state; and they must be aware that if they attempt such measures it will but awaken the stern

⁴ A copy of this memorial appears in full in Filisola, *Memorias para la Historia de la Guerra de Tejas*, I, 272-293.

⁵ Quoted in Brown, *History of Texas*, I, 224-226.

displeasure of the other sections of the country and cause them to take up arms, forcibly to compel these innovators to forego their mad undertaking. In view of such knowledge of prematureness of action on their part, and its consequences, it must be concluded that the revolutionary attempts, for some time observed among the people, have not for their object the erection of Texas into a separate State. Moreover, they cannot be so ignorant as not to know that Texas has not within its limits a sufficient number of men suitably competent to take in hands the reins of government; and what is not less important, they must be conscious of the fact that the sources of revenue within their province are too limited to support a State organization. The supposition, too, is unassumable that they wish to transform their section of the country into a territory, for the disadvantages resulting from such political condition are too obvious to the least discerning among them; besides, their repugnance to everything having the least leaning toward a military government is well known. Nor can it be supposed that they wish to revolutionize their province in order that they may set up for themselves a government wholly unconnected from Mexico and every other country; for they must be aware that such enterprise, to be successful beyond all others, demands men, arms and money far transcending their resources.

"The above reflections being regarded as just and well founded, in order to form a rational judgment of the tendency of colonial agitation now going on, it will be necessary to look through the disguises in which its authors veil it, to the facts that give it a different aspect.

"The desire of the United States of the North to extend its territory by the acquisition of Texas has displayed itself on several occasions; and the power of its policy and management to expand its borders by the purchase of Florida and Louisiana has become a matter of general history to the civilized world. It is also known that the Southern States of our neighboring republic have a tendency to secede from their northern sisters and organize themselves into a separate nation; in which direction one effort has already been made this very year by South Carolina. To such new national organization the acquisition of Texas would be a boon of transcendent value, adding, as it would, so extensively to its territorial area and multiplying so largely its sources of wealth.

"When Mr. Butler, Chargé d'Affaires from Washington City to our government, passed through this city in the year 1829, he avowed to some here, but confidentially, that the object of his mission to Mexico was the purchase of Texas. This same foreign minister, in June of last year, made a journey overland from the City of Mexico to this department and Austin's colony, ostensibly for the purpose of acquainting himself with the country. But immediately after that visit the revolutionary movements of the colonists began; and anterior to that event they had been unexceptionably orderly, having even solemnly pledged themselves to take no part in the convulsion caused by the pronunciamiento in favor of the plan of General Santa Anna.

"In the presence of these facts would it be rash to conclude that the cabinet at Washington, actively but secretly, instigated those movements, having in view the secession from the North American Union of the States of the south, the construction of these into a new confederacy, and the strengthening thereof by the addition thereto of Texas? I believe

not, and so believing, deem it to be my solemn duty to lay before you the views I entertain on the subject discussed, so that your excellency may make such use of them as in your opinion will best promote the true interests of our beloved country.

"God and liberty.

"RAMON MUSQUIZ.

"BEXAR, March 11, 1833."

Among the colonists themselves the convention of 1832 had not given entire satisfaction. Some complained that its action was not positive enough, that it ought to have proceeded immediately to the adoption of a state constitution and the organization of a government, instead of petitioning for permission to do so. Others thought that the convention would better not have been held at all; and still others were dissatisfied because the convention had followed so closely upon the call for elections that it had been difficult to elect representatives and get them to San Felipe in time for the meeting. These conditions, in connection with the fact that during the winter of 1832-1833 Santa Anna was elected president, led the Central Committee to call a second convention to meet at San Felipe on April 1, 1833. The notice was issued in January, and the elections were to take place the first of March, thus allowing ample time for deliberation and action. It was hoped that Santa Anna would view with favor the petitions of the Texans who had assisted him by expelling from the province the officials of his rival, Bustamante.

The same districts were represented in this assembly as in the convention of 1832, and for the most part by the same representatives.⁶ One of the notable additions to this body was General Sam Houston, who had arrived in Texas the preceding December. Johnson was not a member. Stephen F. Austin and William H. Wharton were again rivals for the presidency, and this time Wharton was elected. Thomas Hastings was elected secretary.

The convention did little more than re-enact the resolutions and memorials of the preceding meeting—the petition for repeal of the eleventh article of the law of April 6, 1830; the request for modification of the tariff; and the demand for separate state organization were the most important measures adopted. In the petition for separation the delegates went further than they had thought wise to go in 1832. A committee of which Sam Houston was chairman drew up a constitution for submission to the approval of Congress,⁷ and David G. Burnet, as chairman of another committee, drafted a long memorial arguing for its acceptance.

The preamble of the constitution recites that "We, the people of Texas, being capable of figuring as a state in the manner contemplated in the second article of the decree of the general congress of the nation, of the 7th of May, 1824, do ordain the following constitution; and do

⁶ The journal of the convention of 1833 was never printed and is believed to have been destroyed in the burning of San Felipe in 1836. John Henry Brown (*History of Texas*, I, 227-228) gives a list of the delegates which he believed to be approximately correct.

⁷ This constitution is printed in Edward, *History of Texas*, 196-205.

mutually agree with each other to form ourselves into a full and independent state of the Mexican Confederacy, by the name of the state of Texas." The constitution was distinctly American. The legislature was to consist of two houses, a senate and house of representatives, elected biennially. The state was divided into ten senatorial districts, and each of these districts was entitled to one representative for each hundred voters included in its population. The legislature was given power to establish such a system of internal improvements as it might think proper; but "No bank, nor banking institution, nor office of discount and deposit, nor any other moneyed corporation nor banking establishment, shall ever exist during the continuance of the present constitution;" and "no currency shall ever be made lawful tender, except gold, silver and copper coin." The governor must be at least twenty-seven years of age and a resident of the state for three years. His term of office was two years and he could not serve more than four years in any period of six years. He had the usual executive powers, but legislation could be passed over his veto by a simple majority of the elected members of both houses of the legislature. The judiciary system was to consist of a supreme court, three district courts, and such superior courts as the legislature should determine. District courts might be increased at the will of the legislature; and the jurisdiction of *alcaldes*, *comisarios*, and *sindics* was to be fixed by law. Judges were to be elected by the legislature for terms of six years and were re-eligible indefinitely; but they were removable from office by impeachment or by vote of two-thirds of both houses of the legislature. The supreme court was composed of a superior judge, acting, in some way that is not quite clear, with the district judges, a majority forming a "quorum." The franchise was open to all citizens twenty-one years of age, and officers were elected directly instead of by the complicated electoral process prescribed by the constitution of Coahuila and Texas. But the most characteristically American feature of the constitution was the bill of rights or "general provisions," prefacing the instrument:

"Art. 1. All power is inherent in the people, and all free governments are formed upon their authority, and established for their peace, safety, and happiness. For the advancement of those ends, they have an inviolable right to alter, reform and abolish the government in such a manner as they may think proper.

"Art 2. Government being instituted, for the protection and common interest of all persons, the slavish doctrine of non-resistance against arrogant power and oppression, is discarded, as destructive to the happiness of mankind, and as insulting to the rights, and subversive to the wants of any people.

"Art 3. All election shall be free and equal.

"Art. 4. The right of trial by jury, and the privilege of the writ of habeas-corpus, shall be established by law, and shall remain inviolable.

"Art. 5. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures: and general warrants, whereby an officer may be commanded to search suspected places, without evidence of the facts committed, or to seize any person or persons not named, whose offences are not particularly described and

supported by evidence—are dangerous to liberty, and shall not be allowed.

“Art. 6. No citizen shall be taken or imprisoned, or dispossessed of his freeholds, liberties, or privileges—or exiled, or in any manner distrained—or deprived of his life, liberties or property—but by the law of the land.

“Art. 7. In all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall be confronted by his accusers and the witnesses; he shall have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the municipality or district in which the crime shall have been committed; and shall not be compelled to give evidence against himself.

“Art. 8. No person, for the same offence, shall be twice put in jeopardy of his life or limb.

“Art. 9. No retrospective law or laws impairing the obligations of contract shall be made.

“Art. 10. No conviction shall work corruption of blood, or forfeiture of estate.

“Art. 11. No person confined in jail shall be treated with unnecessary rigor.

“Art. 12. No person shall be compelled to answer any criminal charge but by presentment, indictment, or by a concurrent vote of both houses of the legislature, as provided by this constitution.

“Art. 13. All persons shall be bailable by sufficient sureties, unless for capital crimes, without the proof is evident, or the presumption strong; and the privilege of the writ of habeas-corpus, shall not be suspended, except in cases of rebellion or invasion the public safety may require it.

“Art. 14. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. All courts shall be open, and every man, for an injury done him in his land, goods, or reputation, shall have remedy by due course of law; and rights and justice administered, without sale, denial or delay.

“Art. 15. The person of a debtor, when there are not strong presumptions of fraud, shall not be continued in person, after delivering up his estate to the benefit of his creditors; in such a manner as shall be prescribed by law.

“Art. 16. The free communication of thoughts and opinions, is one of the inviolable rights of men; and every man may fully speak, write, print, and publish, on any subject; being responsible for the abuse of that liberty. But in prosecutions for the publication of papers—in investigating the official accounts of men in public capacity, the truth thereof may be given in evidence—as well as in personal actions of slander; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

“Art. 17. No man's particular services shall be demanded, nor property taken and applied to public use, without the consent of him-

self or representatives, or without just compensation being made therefor, according to law.

"Art. 18. The people have a right to assemble in a public name, for the common good—to instruct their representatives, and to apply to those invested with the power of government, for the redress of grievances, and for other purposes, by addresses or remonstrances.

"Art. 19. Perpetuities and monopolies are contrary to the genius of a free government, and shall not be allowed.

"Art. 20. The sure and certain defence of a free people is a well regulated militia; and it shall be the duty of the Legislature to enact such laws as may be necessary to the aggrandizement of the militia of this state.

"Art. 21. No soldier shall in time of peace be quartered in the house or within the enclosure of any individual, without the consent of the owner; nor in time of war, but in manner prescribed by law.

"Art. 22. All persons residing in Texas, at the center of this constitution, except bond servants, and other persons not liable to taxation, by virtue of the laws enacted under this constitution, shall be recognized as Citizens, and entitled to all the benefits of persons emigrated to this country under the colonization law of 1825—and shall be acknowledged as entitled to all the rights and privileges of such emigrants.

"Art. 23. No property qualifications shall be required to entitle a citizen to vote or value any office in the gift of the people of this state.

"Art. 24. All contracts or transfer of property, by will or otherwise, as well in relation to real as personal estates, which have been made in Texas heretofore, or which hereafter may be made in good faith by the parties, shall not be void for any want of form, but shall be construed and confirmed according to the intentions of the parties.

"Art. 25. All elections in this state shall be by ballot, and the manner thereof shall be prescribed by law.

"Art. 26. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the overt act.

"Art. 27. The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government: the protection and advancement of these two great objects are given in solemn charge to the Legislature. It shall be the particular duty of the government to patronize and cherish the interest of literature, of science and the arts; and as soon as practicable, to establish schools, where the poor shall be taught gratis."

Burnet's memorial argued ably for congressional sanction of the constitution. "To explain the grounds of this application, your memorialists would respectfully invite the attention of the general Congress to the following considerations:—

"The consolidation of the late provinces of Coahuila and Texas was, in its nature, provisional, and, in its intention, temporary. The decree of the sovereign constituent Congress, bearing date the 7th of May, 1824, contemplates a separation, and guarantees to Texas the right of having a state government, whenever she may be in a condition to ask

for the same. That decree provides that, 'so soon as Texas shall be in a condition to figure as a state of itself, it shall inform Congress thereof, for its resolution.' The implication conveyed by this clause is plain and imperative; and vests in Texas as perfect a right as language can convey, unless it can be presumed that the sovereign constituent Congress, composed of the venerable fathers of the republic, designed to amuse the good people of Texas by an illusory and disingenuous promise, clothed in all the solemnity of a legislative enactment. Your memorialists have too high a veneration for the memory of that illustrious body to entertain any apprehensions that such a construction will be given to their acts by their patriotic successors, the present Congress of Mexico. The decree is dated anterior to the adoption of the federal constitution, and therefore, by a clear and fundamental principle of law and justice, it obviates the necessity of recurring to the correspondent provision in the fiftieth article of that instrument, which requires 'the ratification of three-fourths of the other states' in order 'to form a new state out of the limits of those that already exist.' And it assures to Texas—by all the sanctity of a legislative promise, in which the good faith of the Mexican nation is pledged—an exemption from the delays and uncertainties that must result from such multiplied legislative discussion and resolution. To give to the federal constitution, which is the paramount law of the land, a retrospective operation, would establish a precedent that might prove disastrous to the whole system of the nation's jurisprudence, and subversive of the very foundations of the government."

There were several precedents for just such separation as the Texans desired, said the memorial. Nuevo Leon had been separated from Coahuila and Texas and admitted to the confederacy as an independent state in 1824; and Chihuahua, Durango, and New Mexico had been similarly disunited about the same time. "The obvious design of the union between Coahuila and Texas was, on one part at least, the more effectually to secure the peace, safety, and happiness of Texas. That design has not been accomplished, and facts piled upon facts afford a melancholy evidence that it is utterly impracticable. Texas never has and never can derive from the connection benefits in any wise commensurate with the evils she has sustained, and which are daily increasing in number and in magnitude. . . .

"The history of Texas, from its earliest settlement to the present time, exhibits a series of practical neglect and indifference to all her peculiar interests on the part of each successive government which has had the control of her political destinies." Spain had deliberately held back the development of Texas in order that the depopulated province might serve as a barrier toward the north for the protection of the rich mining regions of central Mexico. The Mexican government could have no motive in continuing to neglect the interests of Texas, but "The fact of such negligence is beyond controversy. The melancholy effects of it are apparent in both her past and present condition. The cause must exist somewhere. We believe it is principally to be found in her political annexation to Coahuila. That conjunction was, in its origin, unnatural and constrained; and, the longer it is continued the more disastrous it will prove. The two territories are disjunct in all their prominent respective relations. In point of locality, they approximate only by a

strip of sterile and useless territory, which must long remain a comparative wilderness, and present many serious embarrassments to that facility of intercourse which should always exist between the seat of government and its remote population. In respect to commerce and its various intricate relations, there is no community of interests between them. The one is altogether interior; is consequently abstracted from all participation in maritime concerns; and is naturally indifferent, if not adverse, to any system of policy that is calculated to promote the diversified and momentous interests of commerce. The other is blest with many natural advantages for extensive commercial operations, which, if properly cultivated, would render many valuable accessions to the national marine, and a large increase to the national revenues. The importance of an efficient national marine is evinced, not only by the history of other and older governments, but by the rich halo of glory which encircles the brief annals of the Mexican navy. In point of climate and of natural productions, the two territories are equally dissimilar. Coahuila is a pastoral and a mining country: Texas is characteristically an agricultural district. The occupations incident to these various intrinsic properties are equally various and distinct; and a course of legislation that may be adapted to the encouragement of the habitual industry of the one district, might present only embarrassment and perplexity, and prove fatally deleterious to the prosperity of the other.

"It is not needful, therefore,—neither do we desire—to attribute any sinister or invidious design to the legislative enactments or to the domestic economical policy of Coahuila (whose ascendancy in the joint councils of the state gives her an uncontrolled and exclusive power of legislation), in order to ascertain the origin of the evils that affect Texas, and which, if permitted to exist, must protract her feeble and dependent pupilage to a period co-evil with such existence. Neither is it important to Texas whether those evils have proceeded from a sinister policy in the predominant influences of Coahuila, or whether they are the natural results of a union that is naturally adverse to her interests. The effects are equally repugnant and injurious, whether emanating from the one or the other source."

The case of Bexar, Goliad and Nacogdoches illustrated the effects of this policy. Though founded a hundred and seventeen years before, they were still "entitled only to the diminutive appellation of villages." "Bexar is still exposed to the depredations of her ancient enemies, the insolent, vindictive, and faithless Comanches. Her citizens are still massacred, their cattle destroyed or driven away, and their very habitation threatened by a tribe of erratic and undisciplined Indians, whose audacity has derived confidence from success, and whose long-continued aggressions have invested them with a fictitious and excessive terror. Her schools are neglected, her churches desolate, the sounds of human industry are almost hushed, and the voice of gladness and festivity is converted into wailing and lamentation, by the disheartening and multiplied evils which surround her defenceless population. Goliad is still kept in constant trepidation; is paralyzed in all her efforts for improvement; and is harassed on all her borders by the predatory incursions of the Wacoos, and other insignificant

bands of savages, whom a well-organized local government would soon subdue and exterminate.

"These are facts, not of history merely, on which the imagination must dwell with an unwilling melancholy, but they are events of the present day, which the present generation feel in all their dreadful reality. And these facts, revolting as they are, are as a fraction only in the stupendous aggregate of our calamity. Our misfortunes do not proceed from Indian depredations alone; neither are they confined to a few isolated, impoverished and almost-tenantless towns. They pervade the whole territory—operate upon the whole population—and are as diversified in character as our public interests and necessities are various. Texas at large feels and deplores an utter destitution of the common benefits which have usually accrued from the worst system of internal government that the patience of mankind ever tolerated. She is virtually without a government; and if she is not precipitated into all the unspeakable horrors of anarchy, it is only because there is a redeeming spirit among the people which still infuses some moral energy into the miserable fragments of authority that exist among us. We are perfectly sensible that a large portion of our population, usually denominated 'the colonists,' and composed of Anglo-Americans, have been greatly calumniated before the Mexican government. But could the honorable congress scrutinize strictly into our real condition—could they see and understand the wretched confusion, in all the elements of government, which we daily feel and deplore—our ears would no longer be insulted, nor our feeling mortified, by the artful fictions of hireling emissaries from abroad nor by the malignant aspersions of disappointed military commandants at home.

"Our grievances do not so much result from any positive misfeasance on the part of the present state authorities, as from the total absence, or the very feeble and futile dispensation, of those restrictive influences which it is the appropriate design of the social compact to exercise upon the people, and which are necessary to fulfill the ends of civil society. We complain more of the want of all the important attributes of government, than of the abuses of any. We are sensible that all human institutions are essentially imperfect. But there are relative degrees of perfection in modes of government as in all other matters, and it is both natural and right to aspire to that mode which is most likely to accomplish its legitimate purpose. This is wisely declared, in our present state constitution, to be 'the happiness of those who compose it.' It is equally obvious that the happiness of the people is more likely to be secured by a local than by a remote government. In the one case, the governors are partakers, in common with the governed, in all the political evils which result to the community, and have therefore a personal interest in so discharging their respective functions as will best secure the common welfare. In the other supposition those vested with authority are measurably exempt from the calamities that ensue an abuse of power, and may very conveniently subserve their own interests and ambition, while they neglect or destroy 'the welfare of the associated!'"

Another evil consisted in the delay incident to judicial proceedings, when a transcript of the proceedings had to be transmitted to Saltillo

before sentence was pronounced. The catalogue of abuses might be indefinitely enlarged, but it would only weary the patience of congress. It might occur to the wisdom of congress that these evils could be cured by a territorial organization, but a little deliberation would disclose the fallacy of this. "In this remote section of the republic, a territorial government must, of necessity, be divested of one essential and radical principle in all popular institutions—the immediate responsibility of public agents to the people whom they serve. The appointments to office would, in such case, be vested in the general government; and although such appointments should be made with the utmost circumspection, the persons appointed, when once arrayed in the habiliments of office, would be too far removed from the appointing power to feel the restraints of a vigilant supervision and a direct accountability. The dearest rights of the people might be violated, the public treasuries squandered, and every variety of imposition and iniquity practiced, under the specious pretext of political necessity, which the far distant government could neither detect nor control. . . . The only adequate remedy that your memorialists can devise, and which they ardently hope the collective wisdom of the nation will approve, is to be found in the establishment of a local state government. . . . We believe that, if Texas were admitted to the union as a separate state, she would soon 'figure' as a brilliant star in the Mexican constellation, and would shed a new splendor around the illustrious city of Montezuma. We believe she would contribute largely to the national wealth and aggrandizement—would furnish you staples for commerce, and new materials for manufactures. The cotton of Texas would give employment to the artisans of Mexico; and the precious metals, which are now flowing into the coffers of England, would be detained at home, to reward the industry and remunerate the ingenuity of the native citizens." ⁸

Stephen F. Austin was not in full accord with the convention. He feared it would be misunderstood, and thought that it would have been better to repeat the action of the first convention and apply for permission to frame a constitution, instead of going ahead and submitting the finished product to congress for approval. Nevertheless the convention elected him to go to Mexico to urge the acceptance of the various petitions. The members knew his influence with the government, and hoped that he would be successful in gaining the desired reforms. Dr. J. B. Miller of San Felipe and Erasmo Seguin of San Antonio were elected to accompany him, but neither went, so that Austin undertook the mission alone.

One other measure of this convention deserves mention. Information was received that there was a vessel in Galveston Bay with a cargo of African negroes, and the members adopted a stern remonstrance against the traffic: "We do hold in utter abhorrence all participation, whether direct or indirect, in the African Slave Trade; that we do concur in the general indignation which has been manifested throughout the civilized world against that inhuman and unprincipled traffic; and we do, therefore, earnestly recommend to our constituents, the good

* This memorial is printed in full in Yoakum, *History of Texas*, I, 469-482.

people of Texas, that they will not only abstain from all concern in that abominable traffic, but that they will unite their efforts to prevent the evil from polluting our shores and will aid and sustain the civil authorities in detecting and punishing any similar attempt for the future." The whole resolution, which is some fifteen hundred words in length, was ordered printed in the *Texas Advocate* and in the New Orleans papers as a public exposition of the sentiments of Texas.⁹

⁹ A copy of the memorial is preserved in a newspaper clipping in the Austin Papers of the University of Texas.

CHAPTER VIII

AUSTIN IN MEXICO, 1833-1835 ¹

On April 22, a little more than ten days after the adjournment of the convention, Austin set out on his mission. He was to go by San Antonio and Goliad, and endeavor to get the Mexican settlers of the department of Bexar to join in the petition for a state government. He reached San Antonio on the 29th and remained until the 7th or 8th of May. The account of his visit, which failed of its object, can best be given in his own words, from a letter written on May 6 to Luke Lesassier, the Alcalde of San Felipe.

“BEXAR, May 6, 1833.

“DR SIR: We arrived at this place on the 29, having been detained by excessive rain and high waters.

“Don Erasmo Seguin was absent at his plantation thirty miles below this, where he arrived only a few days since from Matamoras. I lost no time in sending for him, but the high waters prevented his reaching here until the 3d inst. I communicated to him his appointment as one of the mission to Mexico, and laid before him the memorial, which was translated with the aid of Carbajal and Balmaceda.

“The principal citizens of this place have held meetings on the evenings of the 3d, 4th and 5th instant to discuss this subject. At the meeting on the 4th it was decided that a memorial should be sent to the state government asking for the removal of the seat of government from Monclova to this place, Don Erasmo being the only one who was in favor of memorializing the General Congress for the separation and State Government. A number of the others were in favor of saying to the Legislature of Coahuila and Texas, that if the seat of government was not removed to this place, Texas would then separate. This meeting adjourned after 12 o'clock at night, to meet the next evening. At the meeting on the fifth the only question to be decided was the manner of memorializing the state government for a removal of the seat of government, as had been agreed to on the 4th. The late law of the state legislature regulating the 'right of petitioning' was examined, and construed to mean that neither the Ayuntamiento nor the citizens in mass could petition, and that the memorial must only be signed by three persons at most in the name of the people. This construction I contended was erroneous. The law says that, none but the supreme powers of the state can represent the will of the people, and prohibits

¹ This chapter was written by the editor. It is drawn chiefly from the manuscript materials belonging to the University of Texas. These are the Austin Papers, transcripts from the department of *Fomento* in Mexico City, and the Bexar Archives. Some documents previously published in *The Quarterly* of the Texas State Historical Association have been of assistance.

corporations or public meetings, or individuals from taking it upon themselves to say what is the will of the people, &c. (See the law in alcalde records). The true meaning of this is, as I think, that no corporation or persons can petition in the name of the people, without first consulting them, by calling them together. However, it was decided that the law prohibited the Ayto. from petitioning, or from calling the people together to petition, and that only three persons could petition. The next question was who would do it. Only one man (Balmaceda) was willing to sign as one of the three, so that the meeting broke up without doing anything or coming to any definite conclusion. I believe that if the state government is granted the people here will be well satisfied, but I do not believe they will take any part whatever in favor or against the measure. I considered it my duty to use every exertion to procure their co-operation, and have done so. The most that can be expected is, that they will not oppose it. The fact is, that the movement last summer against this place from the colony has produced a much deeper impression than I was aware of until now. It has neutralized many who before that were openly warm friends and it has made some decided enemies to the colonists.

"Don Erasmo Seguin cannot go on the mission; I am convinced that no unfriendly feelings deter him—but his private affairs will not permit his leaving home.

"Nothing was done, of course, as to the appointment of another to go in his place.

"The reports about new disturbances in the interior, and that General Filisola had returned with the troops that were ordered to Texas, are all incorrect and unfounded. The general arrived at Matamoras on the 24th ult., as we learn by letters received here last night.

"Santa Anna was elected president and Gomez Farias vice president by large majorities, and they have entered upon their respective offices. All is quiet—so far as I can judge, from General Filisola's communications, and also from his general character. I have confidence that he will be the friend of liberal principles, and of Texas. I leave here to-morrow or next day for Goliad and thence to Matamoras, and shall see the Genl. as soon as possible. The rains have been very excessive in this part of the country and all travelling has been suspended for the last week, but there is now a prospect of good weather.

"The legislature of the state was to have adjourned on the last day of April.

"Mr. Sawyer arrived from Monclova a few days since and brings information that Fisher was there on his way to Matamoras. He has been continued in the office of Collector of Galveston, as I am informed by Sawyer, who says that he speaks favorably of the Colonists, etc., etc.

"I will endeavor to procure their co-operation at Goliad and write from there.

"Respectfully your most

"obt Sert

"S. F. AUSTIN.

"N. B.—You must make up your mind to answer regularly the correspondence of the chief of department or be fined and probably

totally ruined. You can at least acknowledge the receipt of his official letters, even if it is in English."

"To L. Lesassier, Alcalde of Austin."

There is no report of the result of Austin's visit to Goliad, though, as there were a number of Anglo-American residents in that district, it is probable that he was more successful than he had been at San Antonio. At Matamoras he called on the military commandant of the Eastern Provinces, General Vicente Filisola, explained to him the purpose of the mission to Mexico, and obtained a passport. At the same time he forwarded through Filisola a copy of the constitution and memorials to the government. He left Matamoras about the first of June, expecting to reach Vera Cruz in six or seven days, but in fact he did not arrive until July 2, after a voyage of thirty days. The vessel on which he was embarked was a small schooner, provisioned only with salt food, and the hardships of the last ten days of the voyage were increased by a shortage of fresh water.

The civil war which had removed Bustamante from the presidential chair was still going on, conditions were very unsettled, and travel was far from safe. Nevertheless, Austin set out for the capital on the 5th of July. He was detained for some days at Jalappa, because the military commandant at Vera Cruz had neglected to endorse his passport, and only reached the City of Mexico on July 18, nearly three months after his departure from San Felipe. Santa Anna, the president, was absent from the city, conducting a campaign against Generals Arista and Duran, the representatives of the old Bustamante régime; so that Austin explained his business to the vice-president, Gomez Farias, and the ministry. In the transcripts made by the University of Texas from the Mexican archives there is a copy of the argument which Austin used in urging the approval of the petition for separation from Coahuila. It has never before been published, and its interest warrants its appearance here in full. It will be seen that he confines himself to pressing the separation, and says nothing about the acceptance of the constitution which he took to Mexico. He had written Perry on the eve of departure for Mexico (April 22): "There is, I am told, some uneasiness that I shall not insist on the approbation of the constitution as formed by the late convention—I shall try and get . . . a declaration that the people of Texas may legally convene in convention to make a constitution." And to this he applied himself in his argument, which follows:

"For the better explanation of the representation of Texas, soliciting that she be admitted as a state of the Mexican Federation, I present the following bases on which are founded her rights to be a state.

"1st. It possesses sufficient qualifications, and the people of Texas have manifested their desire to be a state.

"2nd. The natural right that she has always had of organizing herself as a state, and of occupying her rank as such, at the side of her sisters, the other states, on account of having been a distinct province at the time of the independence.

"3rd. The guarantee of the law of May 7, 1824.

"4th. The right that is guaranteed to it by the system adopted by the Mexican Republic, of promoting her welfare, and of securing her interior prosperity and tranquillity by an adequate organization of her local government.

"5th. The duty, and the interest of Texas, of cementing and assuring her permanent union with the Mexican federation.

"6th. The right that all people have of saving themselves from anarchy and from utter ruin.

"EXPLANATION OF THESE BASES

"1st. The declaration of the people of Texas that they have the elements sufficient to form a state, and the fact that they are ready to be charged with the expenses and responsibilities of the interior administration is proof that they are in a condition to figure as a state, because it is very evident that they would not have solicited such a thing if they were not satisfied of their capacity, physical and moral, to sustain the administration and to fulfill all the duties of a state. For a better explanation of this point I refer to the statistical report which is hereto attached.²

"2nd. The provisional union of Texas with Coahuila by the law of May 7, 1824, was without the formal or cordial consent of the people of Texas, or of her deputy in the general constituent congress; and that union could not destroy the natural and primitive right of Texas to organize as a state when in the opinion of its inhabitants their necessities might require it.

"The natural rights of Texas in this particular are recognized in the said law by the fact that the union with Coahuila is *conditional* and *provisional*, and not *positive* and *permanent*.

"Texas does not recognize, nor can recognize, that she has to ask the approbation of three-fourths of the states of the federation in order to be admitted as a distinct member of the Mexican family. This right always has belonged to her and does belong to her and if the exercise of the right has been postponed until now it has been by voluntary consent of her inhabitants, and not because they have believed, or believe, that their union with Coahuila has weakened it in the least particle. It is a natural right, and as such it is imprescriptible, sacred, and inviolable, and cannot be destroyed except in case the people of Texas should abandon it, and this they have never done.

"Texas does not admit the principle that Coahuila has a voice or consent in the question of her right to be erected into a state; nor can she ask of Coahuila as a favor what belongs to her by right and by justice.

"Texas does not desire a hand's breadth of the territory of Coahuila. If there is a doubt concerning the division line of the old provinces of Coahuila and Texas, or other peculiar questions, they must be settled between those two states in a friendly manner or in conformity with the laws governing such cases.

"3rd. The law of May 7, 1824, is very clear and well defined, and recognizes the natural right of Texas of erecting herself into a state,

² See pages 174 *et seq.* below.

and concedes to her the privilege of manifesting to the general congress her desire to be a state, when in the opinion of her inhabitants she has the elements to figure as such. That law does not contain the provision of asking the approbation of three-fourths of the states before congress shall consider the petition of Texas to be admitted as a state; and Texas considers herself in the same situation as to the formalities of her admission as was occupied by Nuevo Leon, Durango and Chihuahua in their time; with the difference that there is a guarantee, a solemn contract between the nation and Texas that she shall be formed into a state when she possesses the qualifications to figure as such.

"4th. The glory of the federal system consists in the fact that no other form of government invented by the wisdom of men has been able to meet the local necessities of each angle of an immense country, and at the same time to unite the physical and moral force of all parts in a national center in order to work in mass, in defense of their liberty and independence. . . .

"The petition of Texas is sanctioned and supported by all these fundamental principles, because it is very evident that Texas cannot be governed by Coahuila, and consequently 'the welfare of the associates' imperiously demands that she be made a state.

"5th. The inhabitants of Texas desire to cement and strengthen their union with the Mexican federation, and it is their most important interest and their duty to do it.

"There is no individual in Texas who is not convinced that the greatest misfortune that could happen to him would be the separation of that country from Mexico; neither is there any one who does not know very well that her union indirectly by means of Coahuila is in the highest degree precarious and liable to be broken without great difficulty.

"It is known by certain things, positive facts, *that Coahuila cannot govern Texas; and the latter cannot remain, and will not remain in harmony or quietude united with the former.*

"Another truth is, *that it is useless to try to subject or regulate Texas by military force.*

"That country has to be governed by moral force, and her union with Mexico strengthened and established by the principles of the federal system, and those of the century in which we live.

"In conformity with these principles the object of the government is, *the happiness and prosperity* of the people, and *the welfare of the associates!* If these objects are fulfilled in Texas, she will be united to Mexico by bonds much stronger than those which could result from an army of fifty thousand men.

"Interest is the most powerful bond that operates upon the actions and desires of humanity. By the application of this fundamental principle to Texas, all erroneous ideas vanish in a moment, and also the false rumors that may have existed concerning the danger of the Mexican territory in that country.

"The interests of Texas are, *to cement her union with Mexico, and to have a local government as a state of this federation.*

"These interests are the natural bonds that unite and always will unite Texas to the Mexican federation. But the last is of so much

importance, and so indispensably necessary to the 'welfare' and 'happiness' of that people, that it cannot be omitted or delayed. Consequently if there were no way of obtaining it without breaking the bonds of the union with Mexico, it would then be the interest of Texas to attempt her separation.

"This point has been discussed and examined with much frankness in Texas; and the opinion is formed and established upon very solid, unalterable foundations, because it has been the result of much reflection; that opinion is, that it would be a misfortune to be separated from Mexico, but *that it would be a greater misfortune not to be erected into a state*, so as to be able to organize her local government. There are well founded fears that Texas may have to suffer the first misfortune in order to save herself the last; and these fears have had a dominating influence in the desire for separation from Coahuila, for the purpose of reconciling with one voice all the local interests of Texas with her permanent union with the Mexican federation.

"I have said, and I repeat it, *it is not the interest of Texas to separate herself from Mexico, even if she had full liberty to do it*. If the Government should wish to know the reasons on which this opinion is founded, I will present them in a separate paper, and in this I will demonstrate that the true interests of Coahuila and of all the republic demands that Texas should be made a state without any delay.

"Sixth. This is a dark and very gloomy point. Texas is to-day exposed to separation from Mexico—to being the sport of ambitious men, of speculators and reckless money-changers, of seditious and wicked men, of wandering Indians who are devastating the country, of adventurers, of revolution, of the lack of the administration of justice and of confidence and moral strength in the government. In short, for the want of government that country is already at the verge of anarchy.

"If one proceeds in accordance with the laws of the state of Coahuila and Texas, a respectable man would not be safe either in person or property; nor would the capitalist be secure in his capital. If crime is punished, it has to be done *extra-judicially* without paying attention to the laws and forms established, and this affords a dangerous example to society and a subversion of the moral strength which the government and the laws ought to have. On the other hand, if crimes go unpunished, the vices are unbridled and all the safeguards of society are destroyed.

"For a long time the people of Texas have rested in regard to their personal security and that of their property, rather upon the virtues which exist in the honor of the mass of the people than upon the administration of the laws.

"To suppose that such a state of affairs can continue would be to venture much; in short, it would be to suppose an impossibility.

"If the only radical remedy which these evils admit is not applied without delay, that of establishing Texas as a state, it will fall into anarchy; and whence it will go from this is not in the power of man's judgment to say, or what injury will result to the frontiers of Coahuila, Nuevo Leon and Tamaulipas, for it is very certain that the Indians will take advantage of the occasion to begin hostilities and depredations, and thousands of adventurers will be set in motion.

"A state of anarchy in Texas would also cause confusion upon the frontiers of Louisiana and Arkansas; and in such case the probability is great that the Government of the North would take possession of Texas in order to preserve order upon their frontiers, as it did in the case of the Floridas.

"All this and incalculable other evils would be avoided by establishing Texas as a state.

"I cannot imagine anything more urgent for the exercise of extraordinary power than this, since by its exercise in this matter the integrity of the territory may be preserved, Texas and her inhabitants may be saved—and a new and strong column may be raised to sustain the great edifice of the Mexican federation.

"In view of what is set forth in this paper and of the representation of Texas, I beg that Your Excellency, the Vice President, may be pleased to make use of the extraordinary powers to decree that Texas shall form a state of the Mexican federation, and that she may proceed without delay to organize as such.

"STEPHEN F. AUSTIN.

"MEXICO, August 1, 1833."

"*To His Excellency, the Minister of Relations, Don Carlos Garcia.*"

With this document Austin submitted a statistical view of the condition of Texas, which was designed to prove that the province was ready to sustain the responsibilities of statehood. It will more appropriately appear in the next chapter, along with the result of Almonte's observations in 1834.

In a report addressed to the Central Committee, dated July 24, Austin gave the following full account³ of his movements down to that time:

"CITY OF MEXICO, July 24, 1833.

"*To the Central Committee:*

"My letter from Vera-Cruz, dated 3d instant, informed you of the many untoward circumstances that retarded my journey to that place. When I wrote from Matamoras, on the 30th May, I expected to have reached Vera Cruz in six days, and this place in six or seven more. I left Vera Cruz on the 5th in the stage, and arrived at Jalapa on the 6th, where I received information of the siege of Puebla by Arista and Duran—and that the road was occupied on both sides of the city of Puebla by their troops, and all communication with Mexico cut off. On the 8th I was told that the stage was allowed to pass the lines, though the danger of robbers was great—and I intended to have proceeded in the stage on the 9th. But on that day a new and unexpected difficulty arose—my passport was from the Commandant General, D. Vincente Filisola, and it was therefore necessary to present myself to the military authorities on the road. At Vera Cruz I called twice (on the 2d, the day I landed, and on the 3d) on the Commandant General of that place, and exhibited my passport. He told me verbally I could proceed on my journey, but did not endorse my passport. Owing to the want of this formality, I was detained at Jalapa by the commandant, and could not

³ From a circular printed at Brazoria, October 26, 1833.

proceed until I sent to Vera Cruz, so that I did not reach this place until the 18th inst. Puebla was heroically defended by Gen. Guadalupe Victoria, with the militia of the city, hastily collected for the purpose. The regular troops had all gone over to the other side previously, and left Victoria without any resources except the patriotism of the people of Puebla. With the militia he defeated Arista and Duran in their attempt to get possession of the city; and they retreated to the vicinity of this city. They are now within four leagues, on the retreat, in the direction of Querétaro. Santa Anna is in close pursuit of them, and no doubt is entertained of a speedy termination of the crusaders and the final triumph of the liberal party. I presume you have seen the plan of Arista and Duran—its basis is Religion and a large standing Army. They will fail in toto, and the result will be another triumph for Santa Anna and a complete dissolution of the aristocratic party and influence.

"I called on the Ministers on the 19th, and they appointed the 23d (yesterday) to have an interview on the subject of my mission. I also called on the Vice-President; my reception was truly kind and friendly, particularly in the interview yesterday with the two Ministers of Relations and Justice, García and Arispe. They were fully informed of the objects of my Mission by my communication from Matamoras through the Commandant Gen. and had received the memorial of the Convention which I forwarded from that place. I explained at large and with some detail the situation of Texas and the necessity of erecting it into a State. The leading points on which I rested our claims were:

"First—The wish of the people and their declaration that they possessed the necessary elements to sustain a State Government.

"Second—The natural right of Texas to occupy its station alongside of its sisters, the other States of the Confederation. It has always been a distinct member of the Mexican family and as such fought for the Independence, etc., and its being for a time under age did not in any manner weaken its rights now that it was in a situation to enter upon them, etc.

"Third—The law of the 7th May, 1824. I positively denied the right of Coahuila to approve or disapprove of our separation. I also stated that Texas did not, and would not, recognize the principle that it was necessary to apply to the other states of the confederation for their approbation. We were now entering upon a natural and an imprescriptible right, which belonged to us before the formation of the Constitution, and one which the provisional union with Coahuila did not, and could not, weaken in any manner whatever, etc.

"Fourth—The duty and the interest of Texas to cement and strengthen its union with the Mexican confederation—the indirect union as an appendage of Coahuila being very precarious, and liable to be broken at any time.

"Lastly—The right and the duty of every people to save themselves from anarchy and ruin! On this last point I enlarged very much, as I also did on the 4th. I distinctly stated as my opinion that self-preservation would compel the people of Texas to organize a local government, with or without the approbation of the General Government—that this measure would not proceed from any hostile views to the permanent union of Texas with Mexico, but from absolute necessity, to save them-

selves from anarchy and total ruin. How such a measure would affect the union of Texas with Mexico, or where it would end, were matters worthy of serious reflection.

"I will give the answer of the two Ministers, Garcia and Arispe, as nearly verbatim as I can recollect. I do not pledge myself for the accuracy of the words, but I do for that of the substance:

" 'This Government will examine the pretensions of Texas to become a State of this Confederation, with the most friendly disposition towards the people of that remote section, and in conformity with the broad and liberal principles of the federal system, adopted by the Mexican Republic. We wish to see every portion of the confederation governed in accordance with these principles, and of those of the age in which we live. We admit that Texas has just cause to complain of the Legislature of Coahuila. The people of Texas may therefore expect that their application will be considered, and their just requests granted, so far as it is within the Constitutional powers of the Government to grant them.'

"The interview was long, and frank. I was requested to put my ideas in writing. They are pretty much all embraced in the Memorial, but I thought it would be better to condense them under separate heads or points.

"So soon as I get the Constitution translated and a new translation of the Memorial (the first being defective) I will lay the whole matter before the Government.

"I believe that Texas will be a State of this Confederation with the approbation of this Government before long. I form this opinion from the information of many persons of influence, all of whom confirm the friendly disposition expressed by the Ministers. Should I be incorrect in this conclusion there will be but one course, one remedy left, and that is for Texas to adopt the alternative I informed the Ministers self-preservation would compel it to adopt. The people therefore must organize without any more applications or delay.

"It is pretty well known in Texas that I have pursued conciliation as a system; some think I have adhered to it too long, and too obstinately. I do not think so, placed under the circumstances I was. However, this is a mere matter of opinion and is of no consequence. My conciliatory course has not compromised any of the rights of Texas; on the contrary, it has settled that country, and in times past saved it from many evils. Clamors and importunities could not force me from my old rule. You ought, therefore, to believe that my judgment is now convinced that Texas, in this question of right to become a State, must be uncompromising. I am placed in a situation here to form a more correct opinion as to what course will be best calculated to secure the prosperity of Texas, and its permanent union with Mexico, than I was in that remote section.

"I therefore reiterate the opinion, and I place it on the footing of a recommendation, that should our application be refused, Texas ought to organize a local government with as little delay as possible—but always on the basis that it is a part of the Mexican Confederation, a younger sister who adopts this mode of entering upon her rights, now that she is of age, because unnecessary embarrassments are interposed which are unconstitutional, unjust, inexpedient and ruinous.

"I also recommend tranquillity and obedience to the laws—these are the first duties of a citizen. Wait for a definite answer. The moment I get one, or am convinced that delay is the object, I will leave here and hasten home to unite in executing the recommendations I have made.

"Your Fellow-Citizen and Obedient Servant,

"STEPHEN F. AUSTIN."

A week later, on July 30, Austin wrote his brother-in-law, James F. Perry, that he had hope of being completely successful; but in this he was over-sanguine, as the event showed. The petition for state government was referred by the ministry to the house of deputies on August 21, with a suggestion that prompt action was desirable; but at about the same time congress adjourned on account of a raging epidemic of Asiatic cholera, and was not again in session for nearly a month. Austin said that there were forty-three thousand cases in the city at one time, and that the deaths were about eighteen thousand. "I have never witnessed such horrible scenes of distress and death. The common people of a part of the state of Puebla got an idea that the water was poisoned by the foreigners, and massacred seven Frenchmen in one village—all the foreigners in that place."

On September 11, Austin again wrote to Perry: The cholera had somewhat abated, but it was not expected that Congress would convene for two weeks. He still felt sure of obtaining the repeal of the eleventh article of the law of April 6, the establishment of regular mail service, and the reduction of tariff for which the convention had asked; but he had become convinced by now that the question of admitting Texas to the confederation as a separate state must be submitted to vote of all the states, as the constitution required. This made success more questionable, and, in addition, the political situation remained unsettled. "The revolution is not yet over, and God knows when it will be. I have great confidence in the vice-president, Gomez Fariás. If the heroes of the Cross [the opponents of Santa Anna, who represented the Church and the Army] get the upper hand, it is difficult to say what they will do as to Texas matters, and it is very probable there will be a break up of the government. But there is no prospect that they will succeed at present. . . . I intend to persevere to the end and effect what I came for if I can, regardless of time or expense."

But the uncertainty of the Civil war and the tedious delay amid such harrowing conditions were wearing out Austin's patience. Then toward the end of September he heard of the ravages of cholera in Texas. Some of his best friends, and his little niece, Mary Perry, had died. Sick at heart and impatient of the dilatory methods of the government, he called on the vice-president and told him plainly that unless some attention were quickly given to the petition of the Texans he feared that they would act without the government's authorization.⁴ Fariás, interpreting this as a threat, became very angry, and Austin left the conference convinced that no relief was to be expected from that source. Reporting the

⁴"MEXICO, October 2, 1833.

"DE BROTHER: I am so much afflicted by accounts of the deaths by cholera in Texas that I can scarcely write anything. I have heard of John Austin, his wife and child and of my [dear] sister's daughter Mary. . . . [the letter is here illegible]

meeting to his brother-in-law the next day, he said, "I am tired of this government. Texas must take care of herself without paying any attention to these people or to the government. They always have been in revolution, and I believe always will be. I have had much more respect for them than they deserve—but I am done with all that." The same day (October 2) he wrote to the ayuntamiento of San Antonio as follows:

"In the letter that I addressed you on the 14th of August last, I expressed the opinion that the affairs of Texas would turn out favorably. Since then there have been very few sessions of congress, on account of cholera. The events of the civil war also have delayed all public affairs in such a way that nothing has been accomplished, and I am sorry to say that in my opinion nothing will be done, and that it is difficult to form an idea of the result of the civil war.

"In this state of affairs I recommended that all the ayuntamientos of Texas put themselves into communication with each other without delay for the purpose of organizing a local government for Texas, in the form of a state of the Mexican federation founded upon the law of May 7, 1824, and have everything ready to accomplish this in union and harmony as soon as it is known that the general congress has refused its approbation.

"This step is absolutely necessary as a preparatory measure, because there is now no doubt that the fate of Texas depends upon itself and not upon this government; nor is there any doubt that, unless the inhabitants of Texas take all its affairs into their own hands, that country is lost.

"I am firmly persuaded that the measure that I recommend is the only one that can be adopted to save us from anarchy and total ruin. This being my conviction, I hope that you will not lose a single moment in addressing a communication to all the ayuntamientos of Texas, urging them to co-operate in the plan of organizing a local government independent of Coahuila, even though the general government should deny its consent.

"STEPHEN F. AUSTIN."

"To the Illustrious Ayuntamiento of Béjar."

Austin's reason for sending this letter to a Mexican body instead of to the Anglo-American municipalities has occasioned considerable speculation among historians; and if the premises were true his motive would not yet be quite clear. In December, 1832, the ayuntamiento had, as we know, petitioned for separate state government, using pretty much the same language in describing the evils of the connection with Coahuila as had been employed by the convention of 1832; but in May, 1833, the

Cap. Martin. Good God what a blow. And whether it has taken you all off is uncertain. I am too wretched to write much on this subject or any other. . . .

"I will try and get home as soon as I can. There has been no meeting of Congress since early in August until a few days since, so that nothing is done. I shall wait but a short time longer. I am tired of this government. They are always in revolution and I believe always will be. I have had much more respect for them than they deserve. But I am done with all that." . . .

"S. F. AUSTIN."

citizens had declined to endorse Austin's mission. At the same time, however, he gathered the impression that they would welcome a separate state government; and it might now have occurred to him that they would be willing to take the initial step in opening correspondence with the other ayuntamientos. If such a movement could be shown to have emanated from the Mexican settlers, it would be less likely to meet opposition from the federal authorities, and at the same time it might serve to moderate the action of radicals among the Anglo-Americans, who, when Austin left Texas, were beginning to talk of separation from Mexico as well as from Coahuila. But the fact seems to be that the letter of October 2 was a circular letter which was sent to several other municipalities at the same time. In a pamphlet published by Austin at Mexico in January, 1835, he explained his motives thus: "Despairing of being able to secure the remedies that the people of Texas expected, fearing a popular uprising there, and believing that, in the event that it should really and actually take place, the public interest would be served by having it directed by the civil authorities, he wrote a letter, dated October 2, to the ayuntamiento of Béjar, the capital of Texas, whose inhabitants are all Mexicans by birth, recommending, in substance, that it consult with the other ayuntamientos, in order that they might place themselves at the head of the popular movement, providing, by way of precaution, a local government under the law of May 7, 1824, in the event that the anarchistic tendencies came to a head through desperation. Austin wished by these purely preventive means to avoid the fatal and lamentable consequences that would result from a popular outburst."

Continuing, he said: "Perhaps it will be asked, Why did Austin not inform the general government of his letter of October 2 at the time when he wrote it or before leaving Mexico in the month of December, if his intentions were so good? Austin might have done it certainly; but his doing otherwise does not belie his good faith; rather the sincerity itself with which the letter was written clears him of the charge. And this sincerity and his good intentions are corroborated by the fact that the author of the letter remained in Mexico two months after writing it, urging reforms, and that he returned to Texas by the principal road to Monclova, the capital of the state and the residence of the authorities of Coahuila and Texas"—in other words, making no attempt to conceal himself, as he might have been expected to do if he had felt himself guilty of any wrongdoing.

A few days later, October 7, 1833, Santa Anna won a decisive victory over the reactionary forces at Guanajuato, and Austin wrote his brother-in-law more hopefully on the 23d. Congress had the day before passed the repeal of the eleventh article of the law of April 6, 1830; and on the arrival of Santa Anna, who was expected in a few days, he intended to make a final effort to settle the state question. The United States was making a strong effort, through Colonel Anthony Butler, chargé d'affaires at Mexico, to obtain a transfer of Texas; and Austin had some hope that the government would either organize it as a state or transfer it to the United States.

"MEXICO, 23 October, 1833.

"DR BROTHER: It gives me much pleasure to inform you that the decree repealing the 11th article of the law of 6 April, 1830, passed the chamber of deputies yesterday almost unanimously, and was discussed today in the senate, and two articles were approved (there are three articles in the decree) when the senate adjourned. There was strong opposition in the senate, on the ground that the Govt. of the U. S. would take Texas if any more were allowed to come in from that nation, and many other very foolish and absurd objections, but the majority were in favor of the law and I am told there is no doubt the other article will pass tomorrow.

"General Santana is expected in the city in three days, and after he arrives I will try (a final tryal) on the state question. I told the vice-president the other day that Texas must be made a state by the Govt. or she would make herself one. This he took as a threat and became very much enraged—however when he understood that my object was only to state a positive fact which it was my duty to state, he was reconciled. I had told him and the ministers the same thing ever since I came here. The fact is this govt. ought to make a state of Texas, or transfer her to the U. S.—without delay—and there is some probability at this time that one or the other will be done. A short time now will determine the matter in some way.

"I have had to draw on Orleans for one thousand dollars. This trip will cost me very dear, but I care nothing about that if *either* of the two events above mentioned can take place, or if any good results to Texas and its inhabitants. All my desires and ambition are limited to the sole object of benefiting that country, tho I must confess that some of the good folks thefe irritate me very much sometimes with their personal animosities and jealousies—but it is of short duration.

"Love to my beloved Sister and all the children and to your neighbors.

"Your brother,

"S."

"I have written every mail since my arrival here on the 18 July."

On November 5, 1833, Santa Anna called a meeting of his cabinet, which Austin attended, to discuss the Texas questions. The president announced himself as favorably disposed toward Texas, and said that the general government would consider all the petitions presented by Austin; and would recommend to the state government a reform of the judiciary system, so as to give the colonists trial by jury. He did not think Texas was yet prepared for state government, but in the effort to help it attain fitness for that end he would take under consideration the advisability of sending troops to Texas to protect the settlement from the Indians. This, of course, would have been a questionable kindness, from the Texan point of view; but Austin could under the circumstances say nothing in opposition. During the conference the suggestion was made that Texas be separated from Coahuila and given a territorial government; but this Austin firmly opposed. As we have already seen, Burnet's memorial had argued vigorously against such a measure; and Austin's instructions from the convention were even more determined

on that point: "It may perhaps happen that the general congress would prefer a territorial government, believing it to be more adaptable to the circumstances of Texas. Upon this point the convention desires that you understand explicitly that a territorial government is not the object of our petition, that the country will not be satisfied with it, and in the change to it no more will be accomplished than passing from one evil to another, leaving future experience and future sufferings on the part of Texas to prove which of the two evils is the more fatal to its prosperity. You ought, therefore, to resist, respectfully but firmly, anything that tends to impose upon us a form of territorial government."

Finally, on December 7, Austin was informed by the minister of *Relaciones* of the status of his affairs. The objectionable article of the law of April 6 was repealed, recommendations had been made to the state government for reforms to meet the wishes of the Texans, and other matters had been referred to the treasury department, from which Austin would doubtless hear in due time. The question of separate state government was, of course, closed: "The petition that the colonists of Texas addressed to the general congress for the formation of that portion of the Mexican territory into a state absolutely independent of Coahuila was referred to the Chamber of Deputies on August 21, last, attention being called to the importance of the matter and the desirability of prompt consideration thereof. Thus you have been informed in this office, and you have been advised of the measures that the government has taken in regard to that colony. One, among others, has been to urge the government of the state to secure for the colonists all the privileges of which they are worthy as Mexican citizens, in civil as well as in criminal affairs. To this end were indicated the measures that ought to be put into execution for the most undeviating and suitable administration of justice in each branch. One method was the establishment of juries, wholly in conformity with the petition of the colonists themselves, without the government's being able to do anything else, because that was not within the scope of its authority. In regard to congress, you are already informed of the law that it has seen fit to pass, repealing the 11th article of the law of April 6, 1830, and providing that this repeal shall not take effect until six months after its publication.

"His excellency, the president, orders me to make this communication to you, in order that you, who have been entrusted with securing a favorable outcome for the petitions of the colonists, may inform them of the result that has now been attained, in the conviction that, since the supreme government is disposed to favor their claims in all that relates to the development of that colony and to facilitate the administration of justice, you may assure them that it will help toward and use all its influence to secure this important object, and therefore that all improvements and reforms conducive thereto will continue, both for the purpose of enabling Texas to become a state or territory of the federation, and to secure meanwhile good order in its internal administration.

"In regard to the other petitions that you have urged concerning the establishment of mails and the reduction or removal of duties upon certain articles, they have been referred to the Treasury Office, and

through it you should be informed of the decision of the supreme government."

With this Austin was forced to be content, and believing that he had accomplished all that was possible at that time, he began his homeward journey on December 10. But he was destined not to see Texas for nearly two years. The explanation for this goes back to the letter of October 2, which Austin wrote to the ayuntamiento of San Antonio. On October 31 the ayuntamiento considered his letter and replied in a long letter, declining to take the steps that he urged. At the same time it forwarded Austin's letter, with a copy of its own reply, to the political chief at San Antonio. That official duly dispatched it to the governor, who, on November 11, started it on its way to the president with a copy of all the documents concerned, which by now had attained considerable bulk—Austin's letter to the ayuntamiento, the ayuntamiento's letter to the political chief, the political chief's *oficio* to the governor, and the governor's letter of transmittal to the president. The letter of the ayuntamiento showed, said the political chief, "in the clearest manner the lively and patriotic sentiments of that body," and he assured the governor that the majority of the inhabitants of his department felt the same way. Whether sincere or not, the letter is interesting as an official statement of the attitude of the Mexican population of Texas:

"The honorable ayuntamiento of this town, being advised of the official letter which you directed to it, dated the 2d of the month just passed, has seen with the greatest regret and surprise the exciting plea which you make to them that not a moment be lost in directing a communication to the rest of the department and treating with them in order that Texas may separate from Coahuila and establish a local government for itself, even though the general government refuses its consent. It is certainly very regrettable that you should breathe sentiments so contrary and opposed to those of every good Mexican, whose constitution and laws prohibit in a positive manner this class of proceedings, as you very well know, and when the ephemeral support which it is believed to have in the general law of the 7th of May, 1824, is entirely apparent to the most moderate political capacity of the country. Thus it is that this corporation neither can nor ought, nor even wishes, to follow your suggestion, and it begs that you cease writing to it in regard to this matter, because you know very well what these communications render one liable to, considering the laws and orders of the state which must be obeyed, and which up to the present time there is no reason to violate in so brusque a manner as you propose—especially as there is wanting any reasonable ground which could be sustained, once the enterprise were begun.

"Much has already been said in what has been written concerning the separation of Texas from Coahuila, and much more that you heard here personally, showing you clearly that we have none of the elements, physically and morally, for sustaining a local government. It is beyond all doubt, therefore, that this project neither can nor ought to be entertained by any citizen of Coahuila and Texas who recognizes the interests of his country and of himself.

"In conclusion, this corporation entreats you, inasmuch as the state

of revolution in which the colonies of this department, especially that of which you are empresario, have been placed since last year seems about to be terminated by the measures of leniency and prudence which the supreme government of the state has lately decreed, that you bethink yourself and do not provoke a new motive for disturbance, which, as you will see if you clearly examine it, must be more injurious to the colonists than to any one else, and particularly to yourself. We desire the progress of this country, and with it our own and that of the colonists established in it, our co-laborers for the attainment of the desired end. But we desire that this be attained by legal and peaceful measures which shall not jeopardize the tranquillity of the department, and that we may assure to ourselves and to our children forever the possession of the properties that we acquire in it; and there is no doubt that the measure which you propose is exceedingly rash.

"God and Liberty.

"BEJAR, Oct. 31, 1833."

The arrival of this packet of documents in Mexico started a veritable avalanche of official correspondence. In spite of the fact that Austin had left the city openly in a public *coche*, after securing a passport and paying formal farewell visits to the vice-president and other officers, the government feared that he would escape. The state department warned the governors of nearly every state in the confederation to watch for him and cause his arrest; while the war department sent similar notices to most of the military commandants. Copies of these, with the replies of the various officers, form several large and historically valueless *expedientes* in the different departmental archives of Mexico. This tremendous activity was not to go without its reward, especially as Austin did not know that he was being sought and made no effort to conceal his movements. On arriving at Saltillo on January 3, 1834, he called on the military commandant, whom he had been making forced marches to overtake ever since leaving San Luis Potosi, and received notice that he was arrested and must return to the capital.

Austin's first thought was for the effect that his arrest would have in Texas, and from Monterey, whither he was taken before beginning the return journey to Mexico, he wrote a long letter to the ayuntamiento of San Felipe, filled with soothing assurances and advice to remain quiet. He asked that it be published, and his request was somewhat tardily complied with on March 27, 1834, when it appeared in an Extra—which was also the final issue—of John A. Wharton's paper at Brazoria, the *Advocate of the People's Rights*.

"MONTEREY, Jan. 17, 1834.

"*To the Ayuntamiento of San Felipe de Austin:*

"I have been arrested by an order from the minister of war, and leave soon for Mexico to answer to a charge made against me, as I understand, for writing an officio to the Ayuntamiento[s] of Texas, dated 2d October last, advising, or rather recommending that they should consult amongst themselves for the purpose of organizing a local government for Texas, in the event that no remedies could be obtained for the evils that threatened that country with ruin.

"I do not in any manner blame the government for arresting me, and I particularly request that there may be no excitement about it.

"I give the advice to the people there, that I have always given, keep quiet, discountenance all revolutionary measures or men, obey the state authorities and laws so long as you are attached to Coahuila, have no more conventions, petition through the legal channels, that is, through the ayuntamiento and chief of department, harmonize fully with the people of Bexar and Goliad, and act with them.

"The general government are disposed to do everything for Texas that can be done to promote its prosperity and welfare that is consistent with the constitution and laws, and I have no doubt the state government will do the same if they are applied to in a proper manner.

"It will be remembered that I went to Mexico as a public agent with specific instructions, and as such, that it was my duty to be governed by them, and by the general wish of the people as expressed to me. Also, that when I left in April, the general wish did express itself for the separation from Coahuila and the forming of Texas into a state of this confederation. Also, that there was a determination to organize a local government at all hazards, if no remedy could be obtained.

"I have in all my acts conformed to this public wish of the people, so far as I was informed of it, and when I despaired of obtaining any remedy, as I did the beginning of October, I deemed it to be my duty as an agent to inform the people so; and believing as I did, that they would organize, I also considered that it would be much better to do so, by a harmonious consultation of the Ayuntamiento[s], than by a popular commotion. These were my reasons for the recommendation given in that officio; also, the result of the civil war was thought to be doubtful.

"I understand, and I rejoice to hear it, that public opinion has settled down on a more reasonable basis, and that the most of the Ayuntamientos of Texas have expressed their wish to proceed in a legal manner to seek redress. I ought to have been informed of this change, but I was not, and knew nothing of it to a certainty, until the 5th of November, so that up to that time I acted under the impressions I had when I left Texas in April. Since then I have not moved the state question.

"The past events in Texas necessarily grew out of the revolution of Jalappa, which overturned the constitution and produced the counter revolution of Vera Cruz, which extended over the whole country, and involved Texas with the rest. It is well known that it was my wish to keep Texas, and particularly the colony, out of all revolution, and I tried to do so, but the flame broke out in my absence from Texas, in June 1832, and since then all has been completely disjointed. A current was set in motion by the general events of the civil war all over the nation, and under the circumstances, Texas could not avoid being agitated by it. No one can be blamed in any manner for what has happened since June, 1832, in Texas—it was inevitable—neither was it possible for me to avoid being drawn into the whirlpool. It was my duty to serve the country as an agent if requested to do so; and as an agent it was my duty to obey my instructions as expressed to me.

"I have long since informed the Ayuntamientos of Texas of the repeal of the law of April, 1830, and of the favorable and friendly disposition of the government, and by this, I of course rescinded, or annulled, the recommendation of 2d October, for that was predicated on the belief that nothing would be done, and that the result of the civil war then pending was even doubtful, since then all has changed for the better, and public opinion in Texas has become sound, and shaken off the excitement that necessarily grew out of the past agitations.

"Under these circumstances the prospects of Texas are better than they ever have been. The national revolution is ended, a constitutional government exists, the people are obedient to the government and laws, everywhere. Be the same in Texas, and have no more excitements, tolerate no more violent measures, and you will prosper and obtain from the government all that reasonable men ought to ask for.

"The last year has been one of calamities for Texas, floods, pestilence, and commotions, I hope the present year will be more favorable. I request that you will have this letter published for general information, and also the enclosed copy of the answer given to me by his Excellency the minister of relations.⁵ You will see by this answer the very favorable and friendly disposition of the general government to make a state or a territory of Texas, and do everything else within its constitutional powers for the good of that country.

"I consider my agency for Texas as terminated, but this will not prevent me from doing all I can for the good of that country, on my own individual responsibility.

"Respectfully your most ob't sert.,

"STEPHEN F. AUSTIN."

At the same time (January 17) in a long and intimate letter to Don Rafael Llanos, a member of the national senate, Austin spoke strongly of the needs of Texas and of the duty of the government to remedy conditions. Beginning with the observation that in times of political turmoil it was hard for one who took any part in public affairs to avoid entanglement in one way or another with individuals, parties, or authorities, he told of his arrest, and then entered into a review of the status of Texas. The province was exposed to anarchy on account of the want of adequate government; during the past winter the sentiment had been strongly in favor of erecting a state government, as was shown by the memorial of Bexar in December, 1832, and of the convention in April, 1833; since then some of the ayuntamientos had apparently changed their minds as to the method of obtaining this organization, but this did not mean that they were satisfied with the situation; they still desired radical reforms, and only believed that they had not previously adopted the best means to obtain them. It should be remembered that in November and December, 1832, Texas was almost without a local government; "and perhaps it would not be venturing much to say that the whole republic was in the same condition. To such an extent was this true that the wisest were divided in opinion as to whether or not there was a legitimate government, or whether the constitution still survived."

⁵ See above pages.

He did not know of this change of opinion when he attended the cabinet meeting on November 5, 1833, and therefore urged measures in conformity with his instructions of April, 1833. He had worked steadily for the interest of Texas and was conscious of no wrongdoing. He had been dispirited and impatient when he wrote his letter of October 2 to the ayuntamiento of Bexar, but even then his advice was conditional, "subject to the development of the future—a precautionary measure and nothing more." Everything that he had done had been done publicly and without concealment, he had written officially, not privately, he had remained in Mexico two months after writing; had left the capital publicly, traveling with one of the deputies of congress; at Saltillo he had called on the commandant; and but for his arrest he should have gone on to Monclova, where the legislature was in session, in order to try to get some laws passed for the relief of Texas, in accordance with the suggestions of Santa Anna and the general government. "It would have been easy to go to Vera Cruz and embark for Orleans, if I had believed that I had committed an offense that merited punishment. The fact is that the hope of effecting some good for the benefit of Texas caused me to come by land, though the journey is much harder than a voyage to Europe." In what consisted the crime of laboring thirteen years to settle Texas, and spending time and money to secure a remedy for the evils suffered by it, thereby preventing ruin to it and loss to Mexico? "I have been accused of projecting grand plans for Texas, and I confess that I have had such plans. . . . I wished to take from my native land, and from every country, the best that they contain and plant it in my adopted country." He wished to bring artisans, farmers, republicans; to subject the Indians, secure the frontier, cultivate the soil, open roads and canals, improve the navigation of the rivers and cover them with boats and barges trading with foreign nations. "You have been my friend since 1821. In this letter I have told you all my desires and plans for Texas. I was not born in a wilderness, and have not the patience of the *Bexarenos* and the other inhabitants of the frontier, who daily endure the same burdens and inconveniences that their fathers and their grandfathers and perhaps their great-grandfathers suffered, without advancing a single step or thinking of advancing. Death is preferable to such a stagnant existence." In a long postscript he returned to this theme, and spoke in no uncertain terms of the imperative necessity of the government's paying more attention to the welfare of Texas. "I have labored in good faith, shouldering all kinds of burdens and responsibilities for the good of my country; but at the same time I owe duties to the people who have emigrated to the desert at my solicitation. And they also owe to themselves and their families the duty and the right of self-preservation. If there were no other way to accomplish this than by separation from Mexico and union with the North, or maintaining independence, it is very clear that it would be their most sacred duty to attempt it." Nevertheless, "everything said by rumor and partial reports concerning the projects in Texas to separate from Mexico is false—there have been no such projects, and there are no such now. What they wish there is a regulation of the internal government in order to prevent disorders, tumults, and divisions which would undoubtedly lead to revolution." Finally, said

Austin to this Mexican statesman, "I have said and thought that the local government of Texas ought to be regulated or the country ought to be sold to the United States of the North, in order to get some profit from it before losing it (*á fin de sacar algun provecho de ello, antes de perderlo*); and the Mexicans with whom I have talked, and who fully understand the matter, are of the same opinion."

Those two letters written the same day well illustrate Austin's policy during the next year and a half. To the colonists he continued to talk optimistically, urging them to eschew political activity, to attend to their personal affairs, and rely confidently on the kind intentions of the government; while to the government he spoke of the patience of the colonists under multiplied neglect and abuses, and boldly demanded reforms. If on the one hand he pretended to a confidence in the government which he did not feel, and on the other somewhat exaggerated the long-suffering loyalty of the colonists, who can blame him? He wished to avoid an outburst in Texas and no doubt he still wished to be loyal to Mexico; but at the same time the interest of Texas was paramount, and unless the government recognized its obligations no effort of his would long be continued to save the province to Mexico.

Though he was conscious of no wrongdoing, Austin realized that his arrest was a serious matter. He knew Mexico too well to think lightly of any judicial process. He wrote Perry on January 14 that he would probably be detained a year. But, "Give yourselves no kind of uneasiness about this matter. It can do me no other harm than the delay and expense. All I can be accused of is that I have labored most diligently and indefatigably to get Texas made a state separate from Coahuila, and this is no crime, nor no dishonor. It is quite the reverse. . . . I hope there will be no excitement about my arrest. It will do me harm, and no good to Texas; that is, unless I should be unjustly dealt by. In that case there will be cause for excitement." The history of his next four months can best be told by a letter to Perry of May 10:

"EX-INQUISICION, MEXICO, May 10th, 1834.

"DR BROTHER: I improve the first moment that I could write to you since I arrived here, which was on the 13th February—on that day I was locked up in one of the dungeons of this vast building *incomunicado*, that is, I was not allowed to speak to or communicate with any person whatever except the officer of the guard. I remained in this situation until yesterday, when I was permitted to communicate with persons outside, receive books, writing materials, visits, etc., and to mix with the other prisoners—there are about sixty of them, all officers except two clergymen (Padres), and all men of good families and respectability confined for political opinions in the revolution of the past year. The occupant of my dungeon before me was a colonel who was banished. General Bustamante, former vice-President, occupied one in July and August last near mine, as I am informed.

"You may have some curiosity to know how I am lodged and what sort of a place an inquisicion prison is, about which so many horrid things are said all over the world, and which are no doubt true, and probably much worse.

"My room is about 15 feet by 13—very high ceiling—two doors, one

flush with the outside surface of the wall, the other near the inside surface and within the wall, which is about 3 feet thick, of large hewn stone. The latter door has an oblong hole large enough to admit a plate, the other is solid. Both were always locked and bolted until yesterday. No windows, a very small skylight in the roof which barely afforded light to read on very clear days, when the sun was high, say from 10 to 3 o'clock. Quite free from damp except such as would naturally result from the want of free circulation of air. There are 19 similar dungeons in this range, with the difference that some of them are a little larger than mine, the most are the same size. They are in the interior of this extensive building and the doors open into an oblong *patio* or open court about 120 by 60 feet, which has a veranda or gallery all round it supported by pillars and arches, a fountain of good water from the aqueduct in the center. This part of the building is one story, but is surrounded on every side by other parts of the same building that are two stories and present a solid wall above our range without windows that work into this *patio*. On two sides of the base of the two-story wall before mentioned there are *solederos* or sunning places, which are spaces about 14 feet square (one is much larger), ranged along the back of the dungeons and between them and the before-mentioned two-story wall. They are separated from each other by high walls. Each has a door, locks, etc., open above for the sun. They communicate with the *patio* by arched passages.

"When I came in each dungeon had its occupant and all were in *incomunicado* the same as myself. All the doors were locked and bolted. No one came into the *patio* except the sentinel. All was silent. Each one was taken out about two hours in the middle of the day and put into one of the *solederos* or sunning places, alone and locked in. In time of the inquisicion the prisoners were covered with a kind of sack or overgarment with a mask at the top to cover the head space, so that they could not be known, even by the guard in going through the *patio* to and from the *solederos*; nothing of the kind was done with us, we saw each other but could not salute or speak. I am told that in the time of the inquisicion there were four other *patios* or open courts that belonged to the part of the building that was used as a prison. They formerly communicated with each other by obscure passages which are now closed. The entrance into each from the street was always separate, as they still are, so that if the friend of a prisoner saw him enter one of the outside doors he could not from that circumstance form any idea of the *patio* or part of the building where he was confined. The *patio* I am in communicates with the street by a narrow dark passage about 150 feet long.

"Padre Senoneto Mier, a very distinguished patriot, was confined in the same dungeon I am in by the tribunal of the inquisicion in its time, and also by the Emperor Iturbide. I visited him here in this room in October, 1822. He was a member of congress and was arrested the 20th of August with 14 other members. General Morelos, the most distinguished of the generals in the beginning of the revolution, was confined in a dungeon near mine in this range, from which he was taken to be shot. In short, each one of these dungeons has some tradition of the sufferings of some victim of the inquisicion or of the revolution. Since

the independence this building has been used as a prison for political offenders only. No one accused of felonious crimes is confined here. The prisoners are well treated.

"The first of April all the prisoners were put in communication except myself and four others. We remained shut up until yesterday. Our doors are now open from sunrise to 9 o'clock at night. We have the free use of the *patio* and can visit another extensive range of dungeons in the second story of the main building, which communicates with this *patio* by a dark passage and much darker stone staircase. From this range there is a passage onto the *asotia* or roof of our range of dungeons, which is flat, so that we can walk over our dungeons and all around our *patio* and have sufficient room for exercise. I was shown a dungeon in the second story where a man from Guatamala was confined by the inquisition 30 years. He is now living in a hospital of this city and has given some account of the treatment of prisoners in those days of superstition and despotism.

"I have received no personal ill treatment from any of the officers or guards who have had charge of me since my first arrest to this day. I received such provisions as I needed through the guard. They were handed in at the hole in the inside door. When I left Monterey the officer of the guard, Capt. Manuel Barragan, told me that he would put no guard over me, except my word that I would not attempt to escape nor speak or write to any one without his permission. I gave it, of course, for I would have returned to Mexico on the simple order of the Government. My conscience told me that I had committed no crime. I was imprisoned for urging the claims of Texas that were confided to me as an agent with more determination and obstinacy than was consistent with my personal security or welfare, but nothing more. I accepted the agency with reluctance, but in good faith and conformed to what I had every right to believe was the general wish of the people so far as the convention expressed that wish. Much good will result to Texas from my sufferings. The state government has been stimulated to apply proper remedies in many things, and some of those who would have ruined the country and thrown it into confusion merely from personal feelings and low, mean jealousies towards me, are now satisfied and rejoicing and are in favor of peace and quietness, because they think I am suffering. Others who were restless and dissatisfied with me and with everything without knowing why, are more calm and reasonable, and others who were my enemies a year ago, have no doubt had the magnanimity to do me justice. This conduct (if it be true, as I am told it is) will do them honor and be remembered to their advantage at some future day when all personal feelings have passed. My own personal friends (and the mass of the honest and laboring farmers are so), have always been in favor of peace and quietness and opposed to turbulence. They have no doubt blamed me for suffering violent men to involve me as I have done. They have seen that I have permitted myself to be thrown into the mire by others whose sole object was my ruin. I was unsuspecting and acted in good faith. The fact is that when a few persons combine to ruin another who is unsuspecting and acts in good faith and with honest intentions, it is very difficult for him to escape.

"Thus, it is, that those who a year ago were the most vociferous for a state government, and the most turbulent, are now for peace. They have, in fact, adopted my own principles which always have been *peace and submission to the laws and no revolutions*. If I ever wandered from those principles, it was because public feeling was so disordered and things were so disjointed that my opposition would have increased the evils and in all probability caused a great deal of confusion. I yielded from this motive, *and yielded in good faith*, and not to undermine or counteract. Thus my own principles of peace and quietness are now predominate, when, had I attempted to have made them prevail by direct opposition to violent measures, the reverse would have been the case. It is very evident that Texas must become a state at some future day and not very distant. All will be in favor of it. The attempt that has been made was premature and totally wrong as to the measures. The particular act that involved me in all this was the calling of the convention in my absence. I yielded after my return. In so far as I am to blame in agreeing to these measures I am ready to be censured. They grew out of the situation of public feelings at the time. It would have been worse than useless for me to have opposed them. The only way I could have done it was to enter into them in bad faith, so as to defeat and counteract them. Such a course I did not think was correct or honorable. On my arrival here I could have put the state question to sleep. If I had done so those who now blame me for an excess of zeal would have been vociferous on the opposite extreme. All those things are mere matters of course. In short, it is mankind. The only substantial matter in this business that is worthy of consideration is *that much substantial good will result to Texas from my sufferings*, and I am content. As to office or public employ, you know that I have always been averse to it. I am more so now than ever. I am no officer nor no demagogue seeking popularity. I have tried in good faith to do all the good I could to everybody. As to enemies and friends, the common acceptance of those words amongst mankind in general conveys to the mind the same idea of change that the word *clouds* does—not so with true personal friends. Of these I shall never want. Such men, for example, as T. F. McKinney. These are the only kind of friends I wish for.

"I have no idea when I shall be at liberty. I think that all depends on the report of Almonte, who has been sent to Texas and I presume is now there or on his way back. It is much in my favor that all remains quiet in Texas. I was confident that no friend of mine would try to get up an excitement, but I feared that my enemies would. Such a thing would have increased my difficulty, for I would have been blamed for it all. My confinement has been very rigid, but I am in good health and have borne it with considerable patience. I had no books the first month, and it was solitary enough. After that I prevailed on the sergeant to go to D. Victor Blanco, who sent some. He and Padre Muldoon have been firm and unswerving in their friendship to me in all the business; so has Ramon Musquiz and many others in Bexar who have written here in my favor. I have never complained of the Vice President Farias. He has been deceived. He has been made to believe, as I am told, that my object was to separate Texas from Mexico and deliver it to the United States of the North, which is absolutely false and without

the shadow of foundation, besides being a great absurdity. In a moment of irritation I said to the vice President that if the evils of Texas were not remedied the public there would remedy them of themselves. This irritated him very much and my difficulties commenced. The truth is I lost patience and was imprudent and of course to blame, for patience is necessary in such cases. I hope that no friend of mine will blame the vice President or complain of him. I put on one side all considerations of personal safety or consequences to myself and thought only of suffering Texas and the fevered and excited situation of my constituents. Had I erred for a want of zeal or industry or diligence in the discharge of my duty as an agent, all would have had cause to censure me, and my own conscience would have been the first to do it, for nothing can be more sacred than a public agency. My conscience is at rest. As an agent I did my duty and only erred from excess of zeal to do it. Good has resulted even from that error, if it was one. I am suffering, but the evils of Texas are remedied. This idea consoles me for my misfortunes and enables me to bear them firmly. Remember me to McKinney and show him this letter, also H. Austin, and if Moses and Brother are there remember me to them.

"Love to Emily and all the family.

"S. F. AUSTIN."

When he started home on December 10, Austin began a diary, and after he was imprisoned he whiled away a few minutes each day by committing his thoughts to writing. The entry for February 20 argues that it is not to the interest of Texas to separate from Mexico; nor would it be well for the United States to incorporate Texas, even if it could get it. The true interest of Texas, he thinks, "is to have a local government, to cement and strengthen its union with Mexico, instead of weakening or breaking it. What Texas wants is an organization of a local government." On April 12 he returned to the same subject and declared that it would injure the United States to annex Texas or to see it made a state of Mexico. Annexation would injure the United States because it would extend the territory of that government too widely, and because Texas would be isolated from the other states geographically and economically. It would be a bad thing for the United States if Texas were made a state of the Mexican federation, because such an event would bring about the rapid development of Texas and strong competition with the southern states in the production of cotton. Whether he expected his journal to be read by his attendants, and hoped thereby to influence the government on the subject of statehood for Texas is problematical. On April 29, the last entry in the book, he expressed himself on the judicial system. Father Muldoon had just brought the news that Santa Anna had returned to the capital six days before. "I did not know it before. I know nothing of what passes outside, no one is allowed to speak to me, nor am I with anybody. I am *incommuni-cadísimo*. What a system of jurisprudence is this of confining those accused or suspected without permitting them to take any steps to make manifest their innocence or to procure proofs for their trial, they can neither consult with counsel, lawyer, friend or anybody. I do not know of what I am accused, how can I prepare my defense? Perhaps I will

have to send to Texas for proofs of my innocence, how can I do so, being shut up—and incommunicated? This system may be in conformity with law, but I am ignorant of which law, or of what rights the party accused has, but it is very certain that such a system is in no wise in conformity with justice, reason or common sense.”

Down to the beginning of June, Austin was still uninformed of the charge against him, and of whether his case would come before a civil or military court. He remained in the prison of the inquisition until June 12, when the military tribunal to which he had been assigned decided that it had no jurisdiction. He was then transferred to the prison of the Acordada, and his case was assigned to a civil judge (*juez de letras*), “in whose hands,” as Austin said, “it slept until the 12th of August—when he decided that he had no jurisdiction over it.” It was then sent to the judge of the Federal District, “who soon dispatched it by deciding that he had no jurisdiction over it, as I did not reside in his district.” The matter was finally referred to the supreme court of the nation to determine what court had jurisdiction, and there Austin feared, as late as August 25, that it was likely to stay.

In the meantime Austin was coming to feel that the colonists were neglecting him. He thought that a representation from the various ayuntamientos to the national government, declaring that he had acted only as the agent of the people and that he was not individually culpable, would secure his release at once. Moreover, enemies were beginning to spread the rumor in Mexico that Texas had repudiated and cut him adrift. The fact is that the ayuntamiento of San Felipe had made such a representation as early as April 28, and the newly created ayuntamiento of Matagorda as one of its earliest official acts drew up a strong memorial on the same subject on May 17, but apparently these documents were not immediately forwarded to congress. His friends took Austin literally at his word and abstained from anything that might be interpreted as insubordination, lest they should injure him. The San Felipe ayuntamiento, of which R. M. Williamson was alcalde and William Barrett Travis secretary, declared that Austin had consistently opposed the project of statehood; and because of his opposition to that plan had failed of election to the presidency of the convention of 1833. He had been selected for the mission to Mexico because of his supposed influence with the government; and his official letter to the ayuntamiento of Bexar was written in this representative capacity and not as an individual. The charge should be against the whole people of Texas, who desired separation from Coahuila, and not against Austin, who had always counseled moderation. The memorial from Matagorda took the same ground. The people recognized in Austin “the father of a colony who had dared the dangers and solitude of a wilderness; nor feared the lair of the beast, nor the track of the savage; who had planted the foot of enterprise upon the lonely prairie; who had raised the hum of industry on the banks of the streams and within the recesses of the forest; and who reclaimed from nature an apparent desert that he might deliver to his fellow-man a country abounding in all the sweets and abundance required for their wants or by their wishes. If the ayuntamiento imagined that one who did so much for his country at the commencement of its existence could meditate such an injury as its separation

from the Mexican Union, they are convinced the criminal wish was not supported by the people." This document was penned by the acting secretary of the ayuntamiento, S. Rhoads Fisher. It may not have been entirely ingenuous in all its parts, but in its picture of the services of Austin to Texas and of his attitude toward the government it did not greatly exaggerate the truth. On May 31 the ayuntamiento of Liberty adopted an able memorial drawn by David G. Burnet. Austin's letter of October 2 might have been imprudent, it said, but Austin was acting as the agent of the people and wrote it as a solemn duty; it had done no harm; and the sovereign general congress was implored to release the prisoner. The transmission of this also seems to have been delayed through fear of hurting the agent whom it was designed to serve.

About the beginning of July two letters from Austin, one to Oliver Jones, a Texan representative in the state congress, and one to Samuel M. Williams, expressed a wish that the ayuntamientos would do this very thing. Thereupon the ayuntamientos of Mina, Gonzales and Brazoria drew up memorials and Matagorda prepared a second one. The document from Brazoria was drawn by William H. Wharton, between whom and Austin unpleasant feeling had existed on account of Austin's conservatism. Wharton could not reconcile himself to the deficiencies of the Mexican political system, and had no patience with Austin's habitual attitude of conciliation. In this document he disclaimed knowledge of the charges upon which Austin was held. "But if it be true, as has been alleged by some, that he is suspected of having designs upon the integrity of the Mexican territory, we reply that the allegation is a libel as well upon the people of Texas as upon Austin. . . . His motto has universally been, the constitution and laws federal and state, and on some occasions he has even aroused the feeling of some of his countrymen against him by advising a tame and humiliating submission to the indignities which had been heaped upon us. These are facts too notorious to be questioned, and to doubt them would be evidence of the weakest credulity."

Peter W. Grayson and Spencer H. Jack volunteered to carry these memorials to Mexico and see that they reached Santa Anna and congress. Colonel Almonte was in Texas at the time, having been sent by the government to make an observation of the province, and he encouraged Grayson by saying that he saw no reason for Austin's longer detention and would use his influence, when he returned, to help secure his release. On their way to Mexico Grayson and Jack went by Monclova and obtained from the governor a strong letter supporting their memorials and urging the release of the prisoner. They arrived at Mexico on October 15 and laid their documents before Santa Anna. Fortunately we have Grayson's report of the course of Austin's case from this time on. It was written in February, 1837, for Vice-President Mirabeau B. Lamar, and is preserved in the State Library in the Lamar Papers, which the state acquired in 1909:

"On enquiring for our friend Genl. Austin, we found that he had now been removed to still another prison of the City—where his condition was in no material respect different from what it had been in the one he had last left. We had no difficulty in procuring admittance to

the room in which he was confined; with some three other prisoners who were Mexicans.

"The delight he experienced on seeing us may be more easily imagined than described, as he was now convinced that there was at least some sympathy felt for his condition on the part of those from whom he had naturally a right to expect it, however poor might be the prospect of any relief at their hands. After much conversation on various matters, I asked him to inform me what was the nature of the charge or prosecution against him, and what the law which it was said he had offended. He replied * * * ⁶that on that subject he was as entirely uninformed as myself, that he had not seen an official paper of any kind whatever relating to his case, and that he merely supposed his letter to the ayuntamiento of Bexar, before referred to, had been the cause of the proceeding against him. It is worth while to observe that he had now been confined about nine months.

"The first thing we thought it most prudent to attempt was merely to procure his release on bail. This could only be effected by the exertion of personal influence with the Judge before whom his case was now in some sort pending, jurisdiction of it having been declined previously, as I understood, by one or two functionaries of that class. It is needless to detail here the various efforts that were made to influence the Judge to grant bail to the prisoner. Whilst these means were being employed, the papers of the cause as it was called we[re] brought and delivered to the accused in compliance with the form usually observed in such matters.

"On examination they were found to be a huge mass of documents, if indeed such stuff deserved the name, a great part of which purported to be evidence. Much of this evidence, to our surprise, we saw consisted of floating and indefinite rumors that had been reduced to writing and thus made to assume a more imposing form. Among other things of this sort, I remember there was a letter, which had been written by an unknown writer at Matagorda, during the time of Genl. Austin's confinement, to the Editor of a newspaper in New Orleans in allusion to his case, as connected with the affairs of Texas generally—now formally translated into Spanish and made to cut a serious figure in the prosecution. Of a character in no degree more relevant was all the rest of the evidence which came under my observation.

"We looked in vain for any paper in the nature of an Indictment which might present the precise form and substance of the accusation. Everything was left to be guessed at and gathered, as one best might, from the chaos of papers such as I have described them—which had all been manufactured in the spirit of the Inquisition, entirely *ex parte*.

"The cause, however, had been thus sent to the prisoner, that he might be enabled to make out his answer of Defense. This he employed an Advocate to do for him—it was accordingly done—and as I think in a very able manner.

"Of this Gentleman who was an advocate of much note in the City I remember we enquired the Law upon which the prosecution was proceeding. He frankly told us that he did not know it himself; remarking

⁶ At this point there is a hole in the manuscript and a word is lost.

that neither he or anyone else could say with any certainty what was Law in Mexico either in civil or criminal matters. . . .

"Through all this uncertainty, however, and after much delay, bail was granted upon high security on the 25th December and the accused set at liberty within the bounds of the City.

"He who was accepted as security was a wealthy Mexican of the City, by the name of Pascual Villar. The American Consul, Doctr. Parrot, generously offered his name, which was, however, not required.

"The discharge on bail we were disposed to regard in substance as an acquittal;—in a country where mere rumor and suspicion stand in the place of legitimate evidence, and imprisonment for an indefinite period, at the pleasure of the Government, is the only means relied upon for securing the person of any one they expect to punish."

Austin's joy at the arrival of Grayson and Jack was almost pathetic. In a letter to his friend, Thomas F. McKinney, on October 18, he poured out his heart as follows: "I sincerely thank you all. No new ties were needed to bind my heart and affections to the people of Texas. I can, however, never forget this last act of kindness. It came at an interesting moment. I had borne all with calm fortitude up to the beginning of this month. At that time I heard so many unfavourable rumors, and one in particular, that my friends at home (except my own family) were careless about me and were indifferent as to my fate. My spirits began to sink. The idea of being cast off contemptuously by those whom I had, at least, *tried* to serve faithfully was worse than death. I am now entirely relieved from that idea—and am in better spirits than since my arrest. Nothing could have depressed them but the above idea.

"I hope the representations brought by Grayson and Jack will have a favourable effect. The only objection is that they are in the English language. Nothing should be sent in that language. It does great harm. I think I now understand the rumors that have reached me of unfavourable impressions against me in the cabinet, on account of representations from Texas. Those impressions were made, but they proceeded from communications that were *intended* to benefit me, and had quite a contrary effect owing to the high-toned and inflammatory language used. I am convinced that no representations have been made against me, and no unfair means used against me by any persons who belong to Texas, and I acquit all persons of such a suspicion. I say this because in my letter to my brother-in-law of 25 August, I expressed a doubt on the subject. I regret that I entertained any such doubt. I was induced to believe amongst other things that the minister of relations, Lombardo, was personally hostile to me, and that Col. Almonte had made a very unfavourable report about me and Texas. All this I now find to be quite incorrect. Almonte's report was *favourable*, and the minister is *not* my enemy.

"Under all these false impressions I wrote on the 6th of this month by Capt. Offutt on the subject of representing. All those letters were written under erroneous impressions made by false information, and I wish Mr. P[erry] and W[illiams] to destroy all my letters of 6th October and not to show them to any one whatever. . . .

"I am pleased with the representation from Brazoria or Colombia signed by Waller and Wharton. I shall return to Texas as a farmer,

determined to have nothing more to do with the public matters of this, or any country. I wish for harmony. This is too important a matter for individual and public happiness and prosperity to be suspended or jeopardized by stickling etiquette, and under this view I am the first to say that no obstacles to personal harmony with all men will be raised by me on account of the past political events, altho I am the only one who has suffered by them. The Whartons have heretofore taken a hostile attitude, or at least an unfriendly one towards me. They never had any cause, as I think, to do so. However, be it that W. H. W. [W. H. Wharton] is a friend or foe, the representation above mentioned is calculated to benefit me and was evidently intended to do so, and I therefore thank him so far as he had any agency in it, and authorize you to tell him so, and also that I look on that measure as a *step* on his part towards personal harmony. If he intended it as such, I meet it with corresponding feeling, and if we do not shake hands as friends in future it will be his fault, not mine. John [Wharton] is of course included in these remarks."

Just as Austin closed this letter, at seven o'clock in the evening, notice reached him that he had been elected to represent the department of the Brazos in the next session of the state congress. "No event of my life has afforded me more gratification, not because I desire office, nor to have anything to do with public matters, far from it I sincerely wish to avoid them—but situated as I now am I should be worse than cold-hearted and insensible not to feel the greatest degree of gratitude and thankfulness for this distinguished and unequivocal evidence of the confidence and esteem of my fellow citizens and fellow laborers. Because it is a vindication of what is dearer to me than life or liberty—of my *reputation*. I thank them. I hope it may be in my power to thank them by some act, some service more substantial than these words."

Austin's release was finally due to the passage of an amnesty law. Congress met on January 4, 1835, and this was introduced early in the session. When Grayson and Jack left the capital at the beginning of February they and Austin thought that it would be published in a few days, but by March 10 it had only gotten to the president, who expected to return it to Congress for certain changes. "This," said Austin, "is a measure in which many thousand are deeply interested, and one that the government and three-fourths or more of both houses and all influential men are anxious should pass, and yet it has to travel the usual snail's pace of public matters." Austin was detained in the city on one formality or another until July 13, when he departed for Vera Cruz, intending to embark for New Orleans, where he could get passage to Texas. At Vera Cruz, however, the military commandant declined to allow him

† Perry warned Austin, in a letter dated December 7, not to attach too much significance to the fact that Wharton signed this memorial. It was drawn by W. H. Jack at the request of McKinney and himself, said Perry, and Wharton could hardly do less than sign. In fact Wharton had as late as November 9 attacked Austin in a most violent manner in a handbill which he printed in a reply to a letter which Austin wrote Perry on August 25. Perry, yielding to the advice of his own and Austin's friends, had published the letter and in it Austin had referred to Wharton as one whose radical action had helped to bring Texas into ill-repute with the government and Austin himself into his present trouble.

to ship, and a visit to Santa Anna at his hacienda, Manga de Clavo, was necessary to get an order for the commandant to let him pass. After a few days in New Orleans he sailed for Texas and arrived at Brazoria on September 1, 1835, two years and a half after his departure on the mission of 1833.

Why was Austin so long detained? He seemed convinced that Santa Anna was kindly disposed toward him, but was powerless to hasten the slowly moving wheels of justice. Santa Anna had been absent from the capital during most of 1833, and was absent when Austin was committed to prison in 1834. Two weeks after his return to the capital in April, 1834, the rigor of Austin's confinement was relieved, and the case began its round of the courts. Nevertheless it has been plausibly suggested that Santa Anna, planning to overthrow the federal system and establish a strongly centralized government, and foreseeing opposition to this program from the republicans of Texas, was really holding Austin as a hostage. This certainly would not be inconsistent with what we know of the president's methods, but as yet no direct evidence has appeared to establish the fact. Judicial proceedings moved slowly enough at best, and perhaps it was sufficient for the president merely to keep hands off, and take no step to accelerate the case.

Austin thought at times that his case was hurt by his personal enemies, both in Mexico and in Texas, and by injudicious friends. In the glow of grateful emotion aroused by the arrival of Grayson and Jack in Mexico with memorials from the Texans designed to free him he wrote Thomas F. McKinney that he was sure he had misjudged his enemies; he was sure now that no representations had been made against him, and that such injury as had been done came from misdirected efforts to aid him. Nevertheless there is some evidence that this generous impulse was wider of the mark than Austin's earlier suspicion. In the transcripts made by the University of Texas from the archives of the department of *Fomento* in Mexico there is a letter from Alexander Calvit to Colonel J. A. Mexia, dated August 29, 1833, saying that he hoped Mexia could hold Austin in Mexico for five years; and that Austin was hurtful (*nocivo*) to Texas as well as to the general government. This letter was evidently turned over to the authorities by Mexia to show the estimation in which Austin was held by his own people. And in the Van Buren Manuscripts of the Library of Congress there is a letter of May 29, 1834, from one J. Gutierrez to Van Buren, then vice-president of the United States, saying that certain men, of whom Mexia was one, desired to make Texas independent of Mexico and that the only man in the province who could thwart their scheme was Colonel Austin "of whom they were on the point of getting rid when on the 24th of April Santa Anna . . . returned to the capital and took charge of the government." And, finally, H. Meigs wrote Austin from New York, September 29, 1835, saying that a great interest had been exerted to destroy him. "Truly your escape is most fortunate."

Among the injudicious things that attracted Austin's attention was a letter written from Matagorda on February 17, 1834, and published in the New Orleans *Commercial Bulletin*. It was signed "D.," and Austin said the writer "only wanted ears to be a jackass." It declared that the low rumble of an earthquake was being heard and felt in Texas

which might be repressed for some years or break out suddenly with fury, fire and destruction; the union with Coahuila was as odious to Texas as the embraces of a ravisher; with the legislature of the state composed of twelve members, of whom Texas had only two, whatever legislation might be passed for the benefit of Texas came as the gift of ten enemies; these and other evils Texas had borne in its infant state, and had preferred to petition for reforms in moderate language rather than seize them by force; the people had sent Austin to Mexico to urge their reasonable request, and it had been refused—on the ground solely that “my will is superior to your rights;” Austin had been arrested and accused of treason, but “if his blood was shed, five thousand swords would leap from their scabbards.” The writer went on to describe the military advantages of Texas in case of war with Mexico, saying among other things that the colonists had a naval force superior to that of Mexico, with which they could blockade Matamoras and Tampico, thereby paralyzing the collection of customs and soon bringing the government to ruin, for Mexico had no credit, and “a nation without money would soon find itself without an army.” This extravagant document was duly translated from the *Bulletin* and appeared in the record against Austin. Its bombastic utterances were not likely to be discounted by a people to whom the mere use of the English language in an official paper was cause for suspicion of disrespect and disloyalty.

At the same time Colonel Anthony Butler was trying in devious ways during the whole period of Austin’s detention to secure the cession of Texas to the United States, and so keeping alive the belief that there must be an understanding between his government and the malcontents in Texas. In spite of Austin’s soothing letters from prison and the efforts of his devoted friends in Texas, incidents persisted in happening to strengthen this belief.

The question of how Austin’s attitude toward Mexico was affected by his imprisonment cannot receive a positive answer. As he wrote to Senator Llanos a fortnight after his arrest, he considered it his first duty to guard the interest of the settlers who had come to Texas at his solicitation, and his observance of Mexican politics at close range during the two years of his involuntary residence at the capital may have forced the reflection upon him that a large measure of independence or complete separation from Mexico was the only thing that could permanently protect Texas from the incessant wrangles which there seemed every reason for believing would continue. The surest way for Texas to attain this favored position, assuming that Austin had such an idea in mind, was to so strengthen itself that the government could not safely reject its demands when next they were made. While his letters afford no clue that he had deliberately thought the matter out in this way, the advice that he gave was consistent with such a conclusion. To his brother-in-law he wrote on January 16, 1834: “My advice to Texas is what it has always been—remain quiet—populate the country—improve your farms—and discountenance all revolutionary men or principles.” To Oliver Jones, representative of the department of the Brazos in the state congress, on May 30, 1834: “All you need in Texas is peace, a dead calm, and to make good crops;” and nearly a year later, March 4, 1835, to his brother-in-law again: “Calm, a dead calm, and close attention to

farming, and no excitement nor party divisions, are all that Texas needs at present." On March 10, 1835, he wrote Perry that the feeling toward Texas was much better than it had ever been, and he believed that "if the attention of Govt. and of congress was not distracted by the disjointed state of the times, something material would be done for Texas. However, it is really not so *very* important whether anything is done or not if a dead calm and union can be preserved in the country—immigration—good crops—no party divisions—no excitements—no personalities—should be the political creed of every one in Texas." The legislature had passed a number of laws favorable to Texas during the session of 1834, and on March 31, 1835, Williams wrote Austin that during January and February two thousand immigrants had landed at the mouth of the Brazos alone. Texas could afford to be patient.

Austin seems to have felt no enthusiasm for a union of Texas with the United States. As early as October, 1832, in a letter to General W. H. Ashby, of Tennessee, he said that it would probably be better for Texas to remain a Mexican state, "unless we could float into the Northern Republic with the consent of all parties." It is true that in the letter to Llanos of January 17, 1834, already cited, he argued that Mexico ought either to establish a state government in Texas and remedy existing abuses or sell it to the United States, but he must have known very well that Mexico would never consider the second alternative, and probably only suggested it to strengthen the argument for the first. The entry in the prison journal under February 20, 1834, argued that it was not to the interest of Texas to separate itself from Mexico, even if it were at liberty to do so. And on July 13, 1834, Colonel Anthony Butler wrote the secretary of state of the United States: "He is unquestionably one of the bitterest foes to our Government and people that is to be found in Mexico, and has done more to embarrass our negotiations upon a certain subject than all the rest of the opposition together; and I am very sure that he was the principal cause of my being defeated in the last effort to obtain a cession of Texas." The assumption that Butler was telling the truth is perhaps not too hazardous, though Austin gives one the impression that he incurred at least a part of Butler's enmity by opposing a territorial government for Texas. Finally, on the eve of his departure for home, he appeared not to look beyond a continuance of the connection with Mexico as a separate state, and the development of the province under the Mexican system. "The affairs of Texas are in a much better train for that country to become a state," he wrote Perry on March 4, 1835, "than they have ever been. The subject was before the House of Representatives last week, and information was called for by the house from the executive, which will be given in a few days and is very favourable for Texas. The people there must not expect a state immediately, but the matter will be put in a train to make it a state within a reasonable and even short time. There will be an exemption of duties on cotton bagging, iron, steel and some other articles. I have also recommended that a *premium* be given on Texas cotton shipped to Tampico and Vera Cruz, also that two companies of mounted riflemen be raised in Texas, to be stationed high up on the Colorado and Brazos for the purpose of defense, and of opening the road to Chihuahua—also new mail routes—one from Goliad by La Baca, Matagorda,

Brazoria to San Felipe, and thence to Harrisburg, Liberty and Nacogdoches, and several other things of interest to Texas, all of which are now under consideration by the Govt.

"Col. Almonte is the true and active friend of Texas in all these matters. The present minister of relations—Gutierrez Estrada—is a very enlightened and good man. As to myself, I have more friends here than I ever had before, and so has Texas. Almonte has in the press a statistical notice of Texas; it will be out in a few days. I have not seen it or any part of it, but he says it gives a favourable view of that country and its inhabitants. . . .

"I think the Chihuahua road very important and have no doubt the people of Texas will all unite to open it. I think the Genl. and state Govts. will aid and so will the state of Chihuahua. I have spoken to all the influential men here from that state about it, and they have written home in favor of the project. If the rifle companies are raised they will open the way in a few months, and the Govt. at present are in favor of recommending to congress that they should be raised. Calm, a dead calm, and close attention to farming, and no excitements nor party divisions, are all that Texas needs at present.

"Yours affy.,

"S."

Again to Perry, on March 10, he wrote:

"The political character of this country seems to partake of its geological features—all is volcanic. If there is sound judgment and common sense in Texas, the convulsions here will not affect that country. The prosperity of Texas should flow onward like the silent current of a river—nothing from this quarter can or will impede its progress. This has always been my view of the subject, and hence it is that I have uniformly adopted (when left to my own judgment, or not controlled by circumstances) a silent and conciliatory course. That policy has settled Texas, and if pursued a few years longer will secure its happiness and prosperity.

"Spain I presume will acknowledge the independence of Mexico very soon—the island of Cuba will then be open to us—it is the best market for beef cattle, oxen, hogs, horses, mules, corn, lard, beans, peas, etc., in the world. I am trying to get a premium on Texas cotton shipped to Vera Cruz and Tampico—an exemption from duties and many other things in favor of Texas. The state question was taken up in the house of representatives a short time since and information called for from the executive—it is now before the cabinet, and gaining friends daily. My exposition has had a most salutary influence, and placed Texas on high ground. The project of a territory is now *totally dead*, so much so that its advocates are now in favor of a state. Even Bradburn is now an active and warm advocate in favor of a state. There has been a great change since Grayson left in favor of Texas. Don Lucas Alaman and Gutierrez Estrada, the present minister of relations, are two of the best friends Texas has in Mexico. They are educated, honest and honorable men, and as a matter of course have many enemies. Almonte is another friend of Texas, and an active one. He is printing an account

of that country—he says it is favourable—I have not seen it, nor any part of it.

“There is a ‘fuss’ at Vera Cruz—the garrison of the castle mutinied and tied their officers, and are bombarding the city. All the rest of the country is quiet. To say how long it will remain so would be the same as to say when Vesuvius will or will not explode. All this is of no consequence to Texas, if the people there will keep down party divisions and personalities and make good crops. I wish that all the unquiet spirits in Texas would organize themselves into a corps and explore a good route for a wagon road to Chihuahua. In that way they can be useful to Texas, much more so than they or anybody else are aware of at present.

“The Chihuahua road is a great object for Texas, a vast link in its prosperity, and no efforts should be left untried to open it as quick as possible—its influence will be known after it is opened, and not before.”

On the other hand, there are in the Austin Papers nine letters from H. Meigs to Austin, which give one side of an interesting correspondence from which we can guess only too vaguely at the other, but they plainly suggest on Austin's part a reconnoissance to learn how far the United States could be depended on for help in case of a breach between Texas and Mexico. In the first one Meigs merely announces that the United States government has interceded for Austin, and remarks that he wrote to him several months ago and hopes for a favorable reply. In the second he repeats that the government is interested in Austin's case and adds the information that he himself stimulated the interest through his friend Louis McLane and his brother-in-law John Forsyth. These letters were dated May 30 and September 27, 1834. The remaining seven were written in 1835—May 2, September 1, September 29, November 15 (two letters of this date), November 22, November 27. In the earlier ones he says that he conceals what Austin writes from everybody except Forsyth, who promises to give him all proper aid; assures Austin that sympathy for himself and his colony is almost universal; and exhorts him to maintain his “accustomed prudence and fortitude.” Later he refers to Austin's “philanthropic and just designs in favor of Texas.” November 15, after the revolution had begun, he writes: “Public sentiment is aroused for your cause. We know that you are Bone of our Bone! and Flesh of our Flesh! That none but a Republican Government can exist over you! . . . Tens of thousands will join you, and with you, lay the firm foundations of your Republic.” But as yet the law of nations and treaty with Mexico prevented the United States from interfering. The letter ends with a significant prayer, “May the Almighty protect you and your Republican Brethren in your progress to that glorious Independence which is in my mind's eye not only Before you but very near to you.”

General Filisola, who published his history of the Texas revolution in 1848 and 1849, just at the close of the Mexican War, declares that Austin returned to Texas by way of New Orleans to buy arms and munitions of war; that he was already determined on separation from Mexico. But a letter which Austin wrote to his brother-in-law a few days before he left the City of Mexico shows that he had no definite purpose in going to New Orleans, and that he was even undecided whether

to return home by land or by water: "I expect to leave here for home this week by way of Vera Cruz or Tampico, unless I meet with company going by land, in which event I would go that way, as the fever is generally bad on the coast and in New Orleans so late in the summer." Probably the real explanation of his going to New Orleans is that there were no coasting vessels between Mexican and Texan ports. Mail from the City of Mexico to Texas that was not sent overland regularly went by Vera Cruz and New Orleans.

Whatever may have been Austin's inmost wishes concerning the ultimate disposition of Texas it is clear enough that he regarded the rapid population of the country from the United States as of fundamental importance, because with such a population Texas would be master of its own destiny. How completely this idea possessed him can be seen from some of the extracts already quoted, but it is best shown by a long letter that he wrote to his cousin, Mrs. M. A. Holley, on August 21, a few days before he sailed from New Orleans for Texas:

"NEW ORLEANS, August 21, 1835.

"MY DEAR COUSIN: I am, as you will see by my date, once more in the land of my birth, and of *freedom*—a word I can well appreciate. I shall leave here in a day or two for Texas. I wished to have taken a trip up the river, and thence to the North, but shall have to defer it until spring. I have been so long absent from home, that my affairs there are behind hand, and require my attention.

"The situation of Texas is daily becoming more and more interesting, so much so that I doubt whether the Government of the United States or that of Mexico can much longer look on with indifference, or inaction. It is very evident that Texas should be effectually, and fully, *Americanized*,—that is—settled by a population that will harmonize with their neighbors on the *East*, in language, political principles, common origin, sympathy, and even interest. *Texas must be a slave country. It is no longer a matter of doubt.* The interest of Louisiana requires that it should be. A population of fanatical abolitionists in Texas would have a very dangerous and pernicious influence on the overgrown slave population of that state. Texas must and ought to become an outwork on the west, as Alabama and Florida are on the east, to defend the key of the western world—the mouths of the Mississippi. Being fully *Americanized* under the Mexican flag would be the same thing in effect and ultimate result as coming under the United States flag. A gentle breeze shakes off a ripe peach. Can it be supposed that the violent political convulsions of Mexico will not shake off Texas as soon as it is ripe enough to fall? All that is now wanting is a great immigration of good and efficient families this fall and winter. Should we get such an immigration, especially from the Western States—all is done; the peach will be ripe. Under this view, and it is the correct one, every man of influence in the Western States who has the true interests of his country at heart ought to use every possible exertion to induce such an immigration. They can get lands; *now is the accepted time*, and none too soon. The door is still open for them to come in legally. The government of Mexico cannot complain—it has invited immigration.

"General Santa Anna told me he should visit Texas next March—as

a friend. His visit is uncertain—his friendship more so. We must rely on ourselves, and prepare for the worst. A large immigration will prepare us, give us strength, resources, everything. I do not know the state of public feeling in Texas, but presume they mean to avoid all collision with Mexico if possible to do so, and be also ready to repel attacks should they come. This is my opinion. A great emigration from Kentucky, Tennessee, etc., each man with his rifle or musket, would be of great use to us—very great indeed. If they go by sea, they must take passports from the Mexican consul, comply with all the requirements of the law, and get *legally* into the country, so long as the door is legally open. Should it be closed it will then be time enough to force it open—if necessary. *Prudence and an observance of appearances* must therefore be strictly attended to for the present. Here, I figure to myself, you start and exclaim, 'Dios mio, my cousin Stephen has become a very Mexican politician in hypocrisy!' Not so; there is no hypocrisy about it. It is well known that my object has always been to fill up Texas with a North American population; and, besides, it may become a question of *to be, or not to be*. And in that event, the great law of nature—self-preservation—operates and supersedes all other laws. The cause of philanthropy and liberty, also, will be promoted by Americanizing Texas. I am morally right, therefore, to do so by all possible, honorable means.

"In all countries, one way or another, a few men rule society. If those few were convinced of the great benefits that would result to the Western world by *Americanizing* Texas, they would exert their influence to promote that object, and in so doing use such arguments as would best effect it, without letting anything transpire in the public prints to alarm the Mexican government, or place that of the United States in the awkward necessity of taking any steps, as a friend of Mexico under the treaty, etc.

"If there were any way of getting at it, I should like to know what the *wise* men of the United States think the people of Texas ought to do. The fact is, we must and ought to become a part of the United States. Money should be no consideration. The political importance of Texas to the great western world, from the influence it may one day have on Louisiana, is so great that it cannot fail to have due weight on all reflecting men, and on Gen. Jackson and the Senate in particular. The more the American population of Texas is increased the more readily will the Mexican Government give it up. Also, the more the people of Texas seem to oppose a separation from Mexico, the less tenacious will they be to hold it. This seems paradoxical, but it will cease to appear so when you consider that strange compound the Mexican character. If Texas insisted on separating, and it should be given up in consequence, it would appear as if they had yielded to force, or fear, and their national pride would be roused. They are a strange people, and must be studied to be managed. They have high ideas of National dignity should it be openly attacked, but will sacrifice national dignity, and national interest, too, if it can be done in a *still* way, or so as not to arrest public attention. 'Dios castiga el ascandolo mas que el crimen' (God punishes the exposure more than the crime) is their motto. The maxim influences their morals and their politics. I learned it when I was there in 1822, and I

now believe that if I had not always kept it in view, and known the power which *appearances* have on them, even when they know they are deceived, I should never have succeeded to the extent I have done, in Americanizing Texas.

"To conclude, I wish a great immigration this fall and winter from Kentucky, Tennessee, *everywhere*; passports or no passports, *anyhow*. For fourteen years I have had a hard time of it, but nothing shall daunt my courage or abate my exertions to complete the main object of my labors—to *Americanize Texas*. This fall and winter will fix our fate—a great immigration will settle the question.

"Truly yours,

"S. F. AUSTIN."

In Texas Austin found the situation critical. The country was divided between those who believed resistance to Santa Anna's policy of centralization was the only course open and those who still counseled patience and submission. Austin threw himself into the task of securing a full representation of Texas in the consultation which had been called. When it met, that body had no option in resisting Santa Anna, because resistance had already advanced to the shedding of blood; but through Austin's influence it declared not independence, but adhesion to Mexico and the republican constitution of 1824.

Here for a moment it is necessary to pause and review conditions in Texas.

CHAPTER IX

CONDITIONS IN TEXAS, 1826-1834: JOHNSON'S REMINISCENCES

In the latter part of July, 1826, some six or eight persons, among whom was Francis White Johnson, a Virginian by birth, but late of the state of Missouri, embarked on board the schooner *Augusta*, Captain James Lynch master, then lying at New Orleans, for Lynchburg, Texas. The vessel dropped down to the mouth of the Mississippi, and there lay, in consequence of unfavorable winds, and no winds at all, until the 1st of August, when she crossed the bar and put to sea. The wind was light and abeam, and so continued two days and then subsided into a dead calm—the vessel wallowing in the sea and the passengers exposed to an almost vertical sun, a situation anything but pleasant, even to old salts, and still less so to a set of landlubbers, who composed the passengers. Thus the winds and calms continued to alternate for the greater part of the voyage. When we had wind, it being abeam, the vessel made about as much leeway as headway, in consequence we were carried very much off of our course, and the passage prolonged. After being out nearly three weeks, the passengers became uneasy, and made frequent enquiry to ascertain our latitude. At length they were informed by the mate that they had no instrument with which to determine the latitude, and they had kept no reckoning or log of their distance. This news produced alarm and great excitement among the passengers, who had been assured by Captain Lynch at New Orleans that he would make the voyage in a week or ten days at most. When they reflected that they had been out more than double the time estimated for the trip, fear and excitement possessed all minds, and loud, bitter, and fearful were the imprecations and threats of some of the passengers—a crisis had arisen! Fortunately for all concerned, Willie B. White, one of the passengers, informed the excited crowd that Johnson was a surveyor and could, he thought, determine our latitude. They caught the idea, and immediately waited upon Johnson, who spent but little time on deck in consequence of his health, but who informed them that he thought, with the assistance of Messrs. White and Porter, another passenger, both carpenters, that they could fashion an instrument with which he could determine the latitude with sufficient accuracy to allay their fears. This was glad tidings, and had a most happy, almost electrical effect on the spirits of the alarmed and excited passengers. No doubt, during the alarm and excitement, their recollection brought vividly before their minds the stories of shipwreck and the bloody scenes enacted by the pirates on the Gulf of Mexico.

In a short time White and Porter, under the direction of Johnson, improvised a quadrant, of the Davis pattern—a most primitive instru-

ment. The next day, near noon, all things prepared and ready, an observation was taken with this primitive instrument, which proved most satisfactory, if not correct, and all on board went on well. However fortunate the effect of this simple expedient, there was another in store for us, in the shape of a strong blow, which relieved us of all further uneasiness. Some two or three days after the experiment of the quadrant, the vessel was struck by a strong blow, which drove the vessel before it, in some thirty or forty hours, to Galveston Island, the sight of which cheered all on board. From thence, on the third day, we made Lynchburg, the place of destination, which is situated on the left bank of the River San Jacinto, opposite the mouth of Buffalo Bayou. All were glad again to place their feet on the land.

The arrival of a vessel at that early day, though not the first, was of sufficient importance and interest to call forth the population for miles around. Hence, we found a number of the lords of the land assembled to greet the Captain and such newcomers as he was fortunate enough to enlist for Texas, learn the news from the "old States" and have a jollification. We found them a hardy, jovial and hospitable set of fellows, and enjoyed ourselves with our new acquaintances. We were invited by nearly all to make them a visit, rest and recreate ourselves. The next day our little party broke up into several visiting parties. White and myself accompanied Captain William Scott, formerly of Kentucky, to his residence on the lower San Jacinto—then called "Larkinsink." Here we were kindly received by his amiable lady and family, and feasted on the good things of the land for two days. We then returned to Lynchburg with a view of making our way to the interior.

Harrisburg, some thirty miles distant, and at the junction of Bray's with Buffalo Bayou, was the next and only port in the direction we wished to travel. Our party divided, some determined to go by land and others by water. Of the latter I was one, being at that time not sick enough to keep my bed, yet not strong enough to perform a journey over land on foot. We took passage on a large canoe without fire, and voyaged into Harrisburg, each of those able taking a turn at the oars. Having made a late start we were on the bayou most of the night, which we did not regret, as our captain was an old hunter and frontiersman of the good old times and enlivened the passage by anecdote and song. He was a character in his way; had experienced many hairbreadth escapes by flood and field. A short time after daylight we made what was then and still is known as Vince's, on the right bank of Buffalo Bayou, and a short distance below Vince's Bayou, a bayou of classic notoriety. Here we landed and got a sumptuous breakfast of fresh, rich milk, butter and corn bread; though there was meat on the table, none partook of it—all were surfeited on fat pork, and felt a sort of horror for meats. We then proceeded on our way to Harrisburg, where we arrived a short time after meridian. The town consisted of a warehouse and tannery and few families, viz.: John Taylor and family, Widow Owens and family, Captain Sam C. Hiram and family; a young man by the name of William Laughlin, a tanner, and Captain John R. Harris, owner of the land, and an old log warehouse. The canoe party stopped at Captain Hiram's, the only public house in the place.

While here Messrs. Heddy and Moore, or Coates, arrived with a wagon and ox-team. They lived near San Felipe de Austin, the capital of Austin's colony, and came for the purpose of buying family stores. Porter, Anderson and myself arranged with Mr. Heddy to take our baggage—light—and to spend the fall and winter at his house. White had stopped at Lynchburg and turned merchant on a small venture. Jimmy, our fellow passenger, and cook on the voyage, was employed by Captain Scott as a blacksmith; the remainder of our party determined to try their fortune in Harrisburg.

The first day out from Harrisburg we accompanied the wagon and encamped near the crossing of Buffalo Bayou, on the road to San Felipe de Austin. The weather was lowering, and we had a light rain, or rather heavy mist at night. The next morning Porter and myself determined to part company with the wagon, first being informed by Mr. Heddy that we could reach his house that day, and that we would meet his son, whom he had directed to meet him with provisions and to draw on him for a part. After we crossed the Bayou it came on to rain, and we were drenched to the skin. In this condition we travelled some miles over a wet and muddy road, or trail, and lay down in the prairie nearly exhausted and with a *sharp* appetite. Notwithstanding the ground was wet and we were wet, we wrapped our blankets around us and fell asleep. We were awakened by the sound of a horse's feet, and very soon young Heddy made his appearance. We hailed him, of course, informed him of where we were going, as well as that we had left his father that morning at Buffalo Bayou crossing, and that we wanted something to eat. He gave us a couple of pones of cornbread, of good size, but the meal of which they were made was unsifted. However, they were sweet morsels, and we ate them with great gusto. Thus refreshed, we took up the line of march for our point of destination, which we made late in the evening. We made ourselves known to Mrs. Heddy, who soon prepared us a good dinner of venison, hot cornbread, butter and milk, to which we did ample justice.

In due time Messrs. Heddy, Moore, or Coates, and Anderson arrived. All went well with us. I had nothing to complain of except my pest and plague, chill and fever, which stuck to me like a brother. It was soon known that Mr. Heddy had returned, and, among other good things, had brought two barrels of whisky. This was a sufficient attraction, and the denizens of his neighborhood became quite regular in their visits, not, however, to their credit be it said, being in the least boisterous or uncivil, though they indulged quite freely in the *ardent*. This afforded us an opportunity of making the acquaintance of most of those in the settlement, and others from distant settlements who had business at the capital of the colony.

About the middle or latter part of the fall three families, the Messrs. McCoy, arrived and encamped near Mr. Heddy's. They, like myself, were from Missouri. We soon formed an acquaintance and, as we were from the same state, formed a sort of brotherhood. They, however, intended going to DeWitt's colony, and had only stopped for the season, believing that provisions could be more readily procured in Austin's than DeWitt's colony. The winter proved to be a mild and dry one,

until the latter part and early spring, when we had frequent and heavy rains, which made the streams high and the roads almost impassable.

In the meantime, however, Porter and myself, in company with Mr. Heddy, made several trips to San Felipe de Austin; this, though the principal town in the colony, was but a small place. However, it could boast a tavern, store and blacksmith shop and a few American and Mexican families. It is situated on the right bank of the Brazos River, some hundred or more miles above its mouth. Here we were both amused and edified, not so much from what we saw as from what we heard. On entering the tavern we found a number of persons, mostly citizens of the surrounding settlements, and a few merchants or traders, the latter appellation being applied to all engaged in merchandise or other traffic. We were kindly received by the landlord and his guests—all desirous to hear the news from the "Old States." After detailing such scraps of news as we were in possession of, the conversation became general, though much varied in its subjects. For instance, one gentleman asked the other if he had selected his *labor*; to which he replied affirmatively, and that it was the softest plank or puncheon in the house. However unintelligible this was to the uninitiated, we soon learned that all a traveler had to expect in Texas was something to eat and shelter, without bed or bedding other than what he had provided for himself, which consisted of one or two blankets for bed and covering, and his saddle, or wallet, for a pillow. We had an excellent dinner and good company, both of which we enjoyed. Before closing this part of my story, however, I have a word to say of "mine host." He stood six feet and an inch or two in his stockings, was full, fat and rubicund, of easy and pleasing manners, a fund of anecdote, and a talent for telling them—he was a true type of the boniface of olden times. Colonel William Pettus delighted in doing good, and was known throughout the length and breadth of the colony for his philanthropy and energy.

We next visited *the* store, owned and kept by Stephen Richardson and Thomas Davis, both good and true men. Their stock consisted of two or three barrels of whisky, some sugar, coffee, salt and a few remnants of dry goods, in value not exceeding five hundred dollars. Here we found a number of the *lords* of Texas. They seemed to be enjoying themselves; some were engaged at a game of "old sledge" or seven-up at cards; others drinking whisky, eating *pelonce* (Mexican sugar), pecans; and all talking. We were kindly received, and soon felt ourselves at home. Here, in the course of conversation, we heard the words *caballada*, *corral*, *rieto*, *mustang*, etc., etc.—all of which were Greek to us, though we had heard the same words used time and again, but felt too diffident to ask their meaning. The party intuitively concluded that we were "green from the states" and enlightened us as to the meaning of the different phrases used. After spending an hour or more very pleasantly we wended our way back to Mr. Heddy's with our stock of knowledge considerably increased, and highly pleased with our visit to the capital of the colony.

In the latter part of the winter of this year, the colonists were startled by the news of a movement by Colonel Edwards, of Nacogdoches, who had obtained permission from Coahuila and Texas to introduce and settle a certain number of families in Eastern Texas, but his contract being

declared void, he was ordered to leave the country, by proclamation of the governor; feeling himself ill used by the authorities, he raised the standard of revolt, and allied himself with certain of the Cherokee chiefs who had settled or "squatted" in Texas. This news was communicated to the Mexican authorities at San Antonio de Bexar, who called on Colonel Austin to raise such colonial force as he could to assist in putting down the rebellion and in maintaining the dignity and supremacy of the Mexican Government.

Austin, foreseeing the consequence of this ill advised movement of Edwards, dispatched commissioners to confer with him and dissuade him from his rash undertaking. The mission was unsuccessful. Captain William S. Hall, one of Austin's commissioners, reported that Edwards had but a small force and would not be able to increase it to any considerable number.

During this time I visited San Felipe de Austin frequently. In early spring, some three hundred Mexican troops arrived on their march to the seat of war. The colonists, to nearly an equal number, assembled and joined the Mexicans, who showed no disposition to march further without them. The Mexican troops were well provided, drilled regularly, and seemed to be under good discipline. When not on duty, both officers and men indulged in their favorite game at cards—*Monte*. Notwithstanding the martial appearance of the Mexican troops, I could not but feel that half their number of Americans would put them to flight; not that the Mexicans are deficient in courage, but, it may be safely said, that they are badly commanded, though many of the officers are not only brave but gallant men.

All things necessary for a forward movement being provided, the troops took up the line of march, in all the pride and circumstance of war, for Nacogdoches, with the beat of drum and sound bugle. The march was long and fatiguing, on account of the bad state of the roads. Nothing happened on the line of march worthy of note, except, perhaps, the blowing off of a part of the muzzle of a four-pounder gun belonging to the colonists, which happened in this wise: The Mexicans on the second morning of the march fired a morning gun, the colonists, not to be outdone, fired the four-pounder, with the result mentioned; fortunately no injury was done except that to the gun. The people of the Trinity hearing of the movement against Nacogdoches, joined the combined force on the march. In the meantime, Edwards being disappointed in receiving such forces, American and Indian, as he anticipated and hoped, disbanded his small force, abandoned the plan, and retired to the United States. The Federal forces were met near Nacogdoches by a courier, who informed them that the enemy had fled and that all was peace. The troops entered the place with flying colors and martial music as victors. Though bloodless, it was blazoned in the Mexican journals as a feat highly honorable to the troops engaged. Through the advice and influence of Colonel Austin, who accompanied the Mexican troops, and commanded the colonists, perfect immunity was granted to all; the civil authorities reinstated; and the people requested to resume their peaceful occupations. In this connection, I must mention John A. Williams, who tacitly favored the rising, but remained neutral until

Edwards abandoned the place. He then at once became not only loyal to the Mexican government, but quite patriotic, and recommended measures of severity against all who had favored and participated in the cause of Edwards. Williams was a man of some acquirements, and was held in esteem by a few of his neighbors. He was thoroughly Mexican in feeling and principle. He subsequently left Eastern Texas and settled on the lower Trinity, but, as I shall have occasion to speak of him at a later period, I forbear saying anything more at present.

This ended what is known as the Fredonian War. Edwards's declared object was to establish a new republic, to be styled the "Republic of Fredonia." Yoakum, in his history of Texas, while giving the facts correctly which led to the abrogation of Edwards's contract, and the order expelling him from the country, does not only misstate facts in regard to Colonel Austin and his colonists, but does them gross injustice. Colonel Austin did not favor or countenance the project, but did what he could to prevent an open rupture, as is evidenced by the correspondence between him and B. Edwards, the brother of the Empresario. Indeed no one then, or now, who knew the high standing Colonel Austin occupied, and the influence he exercised with the state and Federal authorities, will doubt for a moment that, had Edwards been governed by his advice, all would have ended well. Unimportant, insignificant if you will, as was the Fredonian movement, it may be termed the *germ seed* of that distrust, jealousy, fear, and injustice of the Mexican Government towards the Anglo-American colonists which culminated in separation and independence.

Of those who joined Edwards's standard we will mention Colonel Martin Parmer, Major John S. Roberts, and Captain Francis Adams. The first followed the fortunes of his leader, and did not return to the country for several years. The two latter abandoned the cause as soon as they became satisfied of its object and probable result. All, subsequently, took an active part in the early and final struggle of Texas to maintain her rights, and ultimately her independence.

In the spring of this year, 1827, being invited and solicited by the Messrs. McCoy to accompany them to DeWitt's colony, and, being desirous to see more of the country, though still subject to chill and fever, I accepted the invitation. Our first day's travel brought us to San Bernard, some fifteen miles distant from San Felipe de Austin, and on what is known as the Atascosito road. From thence we proceeded to the Colorado, which stream we crossed above the road. The weather, though cloudy, with an occasional shower, was quite pleasant, and we pursued our journey without accident or incident until within some ten miles of DeWitt's station on the La Baca. Though the day had been fair it became cloudy at nightfall. We had built a large log fire and got our suppers; soon after we discovered a portentous cloud in the northwest, and occasional peals of thunder—it had been lightening in the north for some time before we heard the thunder. The cloud formed rapidly, and soon darkened the heavens, and sent down torrents of rain. So heavy was the rain that it not only wet us to the skin, notwithstanding we were wrapped in our blankets, but extinguished our fire. After an hour or two the rain ceased and the clouds broke up. The storm was accompanied by a heavy blow from the north and was quite cold.

After the rainstorm the wind continued to blow fiercely, but we re-kindled the fire and dried our clothing and blankets, and spent the remainder of the night quite comfortably. While enjoying the fire and drying, I observed to the elder McCoy that I thought that the drenching I had received would either kill or cure me; to this he replied that I need be under no apprehensions of ill consequences. In this opinion he was right. I improved in health and strength from that day forward.

At De Witt's Station we were kindly received by Colonel De Witt, his family and settlers. Here I made the acquaintance of Hon. James Kerr, principal surveyor of De Witt's colony. Kerr was a gentleman of the old school, social, frank, and hospitable. Our acquaintance ripened into friendship and intimacy, and so continued during his lifetime. Peace to his manes!

We arrived at the busy season of preparing for and planting. Those of the settlers who had sufficient teams were breaking prairie, others were clearing what was called weed prairies, and bottom lands sparsely timbered, but with a thick growth of weeds. When the ground is cleared, holes are made at proper distances with a stick, and a corn-seed put in the holes and covered. This done, it is left to grow and ripen and receives no other work, except to knock down the weeds; the ground thus prepared and planted will yield twenty-five or thirty, sometimes forty, bushels per acre. For want of teams and necessary implements, the settlers were planting in various directions, and at short distances from the station, and consequently were scattered and separated for several miles from each other. My health much improved, and improving daily, I began to feel an interest in the exertions of the settlers to provide for their families, as well as newcomers, a sufficiency of corn for bread; as to meat, game was abundant. I visited the various planting grounds, hunted, etc., and enjoyed this sort of life very much. At the station a blockhouse had been erected to give protection to the women and children in the event of an attack on the settlement by the Indians. Hence, all the families remained at the station.

Whilst visiting one of these planting camps, and on a hunt one morning, I fell in with a party of Carankawa Indians, whom I conducted to the camp. Being in sight and speaking distance of some of the working parties, I communicated the fact of our new visitors, and requested them to give notice to the other working parties and to come to camp quietly and without disclosing the least excitement or alarm. The whole force was soon in, and a messenger dispatched to the station to inform Colonel De Witt of the presence of the Indians, and to request him, with such others as he might deem necessary, to come to our camp.

In due time Colonel De Witt, with others, arrived. In the meantime we endeavored to make the Indians easy. They built a small fire within a few yards of our camp. On the arrival of Colonel De Witt and party a *talk* was held in which the Indians were assured of the peaceful and friendly disposition of the colonists. Soon after the *talk*, games of cards were introduced, and the Indians began to mix among us. Up to this time they had not unstrung their bows. Now they unstrung their bows and put aside their arrow cases. Thenceforth all went on well. The next morning the Indians were invited to the station, and there feasted on bread, meat and milk. They were much pleased with their

reception and kind treatment, and declared themselves the friends of De Witt's settlement, and thenceforth observed their plighted faith.

The Carankawa Indians, though but few in numbers on account of their war with freebooters, General Long, Austin's colonists, and other tribes of Indians, are a noble looking race of men. They are of a light copper color, six feet and upwards in height, well formed and muscular. They are esteemed the best bowmen in America. They are now nearly or quite extinct. They inhabited the Gulf shore.

Having spent some month or six weeks in De Witt's colony, and having entirely regained my health, I returned to San Felipe de Austin in company with W. B. White, who made his way to De Witt's Station while I was there. As will be recollected, I left White at Lynchburg, in charge of and to make sale of our venture, which he had disposed of, with what profit I will not pretend to say, further than that when he joined me at the station, all he had to show was a mustang stallion and a few dollars, a thing by no means abundant at that time. True the Mexican officers and soldiers had dropped a few dollars. The circulating medium at the time being horses, cows, and calves at a fixed value, according to class, deer, bear and other skins. On my arrival in San Felipe de Austin, it was with difficulty that my acquaintances could recognize in me the Frank Johnson they had parted with but a few weeks before. From San Felipe I proceeded to Harrisburg, where I employed myself in hunting and surveying when occasion offered. Now, for the first time, I began to think seriously of making Texas my home. True my new resolve was much shaken by news of the death of my father. Had I been in possession of, or could I have raised, means for a trip to Missouri, the chances are that I should not have settled in Texas. In 1828 I received the news of the death of my mother. This removed all wish or desire to return to Missouri. White, however, returned in the fall of 1828.

Thus orphaned, though of full age, in the world, as it were, I began to think seriously about doing something for myself, a thing about which I had thought but little previously.

In the early spring, 1828, I made a trip to San Antonio de Bexar, in company with William B. Moore, of Tennessee, and brother of John H. Moore, of Texas. John H. Moore accompanied us one day's travel beyond Burnham's on the Colorado. We then struck down the country to the Atascosita road, followed the road to where it crossed the La Baca, and thence up that stream to the road leading to Gonzales, on the Guadalupe. On my way up we fell in with a party of Tonkawa Indians—friendly. At the crossing of the upper road to Goliad, and that to Gonzales, I lost my horse in consequence of a gang of mustangs passing, which caused him to break loose and follow them. However, the next morning we proceeded on our journey "riding and tying" as it is called, to Gonzales, where I obtained a pony. The settlement here had but recently been formed by Colonel De Witt and settlers. Here was the first house we had stopped at since leaving Burnham's on the Colorado. We were hospitably entertained by Colonel De Witt, and others, whom I met with before at the Station. Here I met with Mr. Porter, my ship-mate in '26. After resting two or three days at Gonzales, and procuring a small quantity of bread, being otherwise well

provided with sugar, coffee, and salt, we proceeded on our way to San Antonio de Bexar, which we reached the fourth day, though only distant seventy-five Mexican miles from Gonzales. We had abundant time, gave our horses ample time to rest and feed on the young rich grass, amusing ourselves in killing deer and turkeys, in excess of our wants. On arriving at San Antonio, we met and stopped with John W. Smith, an American who had married a Mexican lady. Smith was living on the east side of the River San Antonio, in what may be termed the suburb of the town.

San Antonio de Bexar is situated on both banks of the San Antonio River, some three miles below its source—two springs that break out at the foot of a range of hills. The town is in the form of an oblong square. The principal part of the town lies between the San Antonio River and the San Pedro which has its source in the same range of hills, and near the springs of the San Antonio. The Alamo is on the east bank enclosed by a high and strong wall. Though built for a mission, it was a place of considerable strength, and of capacity to quarter at least one thousand troops, and was occupied as a fortress. Though the main town is in the valley of the San Antonio, the site is a good one, and remarkably healthy. Here we met William Cheves, whom I had met at San Felipe de Austin on my first visit to that place, Messrs. Lacock and P. Dimmit, the two first, merchants, and the latter a sort of commissary to the troops, as well as butcher of the town.

Dimmit's was a sort of head-quarters where Cheves, Lacock, Moore and myself met for conversation. After being there two or three days, in conversation I mentioned an idle story that was circulating in the colony, that A. LeGrand was raising troops—Americans and Creek Indians—for the purpose of revolutionizing Mexico. Lacock and Cheves understood it as an idle story, not so Dimmit, who, as we soon discovered, took a deep interest in the recital. Cheves, from a spirit of mischief, said that he knew LeGrand, that he was a desperate character, and, that the most serious consequences were to be feared from this movement; that he had been badly treated by the authorities, civil and military, at Matamoras, and that if he invaded the country devastation and ruin would mark his footsteps; that San Antonio de Bexar would be his first point of assault; and, finally, that the Mexicans and all connected with them would be subject to his fury. Dimmit had married a Mexican, and was in high favor with the authorities. Cheves's account of LeGrand not only excited but alarmed him. We all enjoyed his excitement and alarm, and thought nothing more of the matter. However, after we separated, Dimmit waited upon the civil and military authorities of the place and made known to them what he considered important news, the story of LeGrand's intention to revolutionize Mexico. Mistaking the word Creek for Greek, the authorities considered the news of the highest importance, and pregnant with evil to the republic.

The next morning, to my surprise, I was waited upon by a sort of sheriff, or constable, called *alguazil*, with the alcalde's silverheaded cane as his writ of authority, who requested me to accompany him to the office of the alcalde.

On arriving at the office I was received and requested by a sign to be seated, as I could not speak Spanish. Lacock, who spoke the lan-

guage fluently, was sent for and requested to come to the office. On his arriving there, and being informed of their object, he told me that they wished to examine me in relation to the Le Grand story. I was first asked the place of my nativity, age, profession or occupation, and religion. In answer to the last I informed them that I professed no religion! This seemed to take them all aback. After consulting the political chief and other officials of the civil department and commandant of the post—they concluded to take my statement without first administering the oath in such cases, deeming, perhaps, that it would be sacrilege to allow a heretic to touch the sacred volume. Thus free to give my own version I did not take advantage of it further than to not correct Dimmit's misstatement of *Greek* for *Creek*. With this exception I stated substantially, if not literally, the story as I had told it at Dimmit's. That the authorities were both interested and alarmed is evidenced by the fact that they kept me before them from an early hour in the morning till candle-light in the evening, their secretary taking down my statement in writing. A courier was kept in readiness to carry the communication to the proper authority in the City of Mexico. During this long examination we had several short intervals of rest and for refreshments, which, to their credit be it said, were both abundant and good. As before stated, I simply related the story as first told, and without expressing any opinion pro or con. This was fortunate for me. Had I indulged in romance it might have cost me months of imprisonment. The examination concluded and the courier dispatched to the City of Mexico, the curtain was dropped. Thus ended this laughable farce, of which I heard nothing more.

A few days after these occurrences we were startled by the report that a Mexican had been killed near town by Indians. The Mexican was out getting wood, and was killed by a band of Comanche Indians who passed in sight of town. There was great excitement, the drums beat to arms, the military paraded and formed in the square, the citizens stood in groups about the corners of streets. Guards were posted to prevent surprise, and the troops marched to church, where prayers were offered for the safety of the people and the place. This done, the troops were dismissed and retired to their quarters, with orders to hold themselves in readiness at a moment's warning. The killing happened about the middle of the afternoon. The conduct of the military to me was most astonishing and confirmed me in the contempt I entertained in 1827. However, in justice to a part of the Mexican officers, I must say that they are not only gentlemen, but gallant soldiers. About 10 o'clock the next day, first having attended prayers and received the benediction of the *Padre*, they moved forward in pursuit of the Indians, then far in advance. They returned in the morning of the next day and reported that they could not overtake the Indians, a thing neither they nor anybody else present supposed they would do.

Satisfied with a sight seeing, we took leave of our friends and turned our faces homeward. We made the Cibolo, some twenty-five miles distant, about dusk and camped for the night. At daylight next morning we started out to kill a turkey or two. Moore went down, and I up the creek. As it became lighter, I noticed many trails and the grass beaten down. On examination I found it had been done by Indians and their

horses, their tracks quite fresh. Around our camp we discovered the ashes of their fires, from which we supposed the number to have been at least one hundred, and concluded that they had been there not longer ago than the night before. This discovery, however, gave us no uneasiness, as it was known that the Comanches, thus far, had not molested any of the American settlers. In this connection, I will mention that there were several Comanche chiefs in San Antonio when we arrived there, who had come down to hold a *talk*. They seemed to seek and court the favor of the few Americans in that place. Lacock's store was a sort of rendezvous. A very old chief, who seemed to take great pleasure in talking with us, on being asked why they did not take the town replied that it was their rancho; that the Mexicans raised horses and mules for them. We then informed him that the Mexicans were going to make a campaign against them unless they made peace. To this, he remarked: The Spaniards had been talking of making a campaign against them ever since he was a little boy, but had never done it. He, and the other chiefs, manifested great contempt for the Mexicans, and treated them more like slaves than equals.

On the third day after leaving San Antonio de Bexar we got to Gonzales, where we remained several days, enjoying the hospitality of Colonel De Witt and his settlers, the Colonel and his family in particular. From here we took the direct road to San Felipe de Austin, stopping a day with John H. Moore on Cummings' Creek. On my arrival at San Felipe I was informed that White had gone west with J. C. Peyton's team. Peyton expressed considerable uneasiness about White, who had been gone double the length of time anticipated when he left. Peyton offered me a horse, saddle, and bridle, and money for expenses of the trip if I would go in search of White. Being anxious to learn if any misfortune had befallen him, I agreed to go. Darius Gregg joined me, as he wished to go to Gonzales. The weather being warm and the green-head flies bad, we took the Atascocito road, instead of the direct road to Gonzales, the first passing through timber most of the way to LaBaca, and thence up the Guadalupe, while the second was through prairie generally. In consequence of heavy rains and high water, we spent a couple days on Navidad, with Hon. James Kerr. From Gonzales I journeyed alone part of the way, and then was accompanied by some Mexicans to San Antonio. Here I found White well and the team safe. He was preparing to leave. There was a man who called himself Parker, whom I had seen at San Felipe some months before, but who had been spending some time in San Antonio. He wished to return to San Felipe, but not having a horse, requested White to allow him to ride in the wagon, which he did. There was also a Mexican, a cigarmaker, who wished to go with us and did. We arrived at San Felipe without accident or incident worthy of note. Soon after arriving there, however, suspicion fastened upon Parker as the murderer of a Mr. Early, with whom Parker had come to Texas. Parker was arrested and confined. Upon enquiry and search being made, the body of Early was found, clothing, saddle, etc.; also proof that Parker passed through Gonzales with a horse answering the description of the one ridden by Early, and without a saddle; and further, that Parker had sold the horse in San Antonio, played at *monte*, and seemed to have

plenty of money in gold. It was also proven that Early left the United States to come to Texas to buy horses and mules, and had brought a considerable amount of money in gold—Spanish doubloons. In New Orleans he found Parker, who expressed a wish to go to Texas, but had no means. Early informed him of the object of his visit to Texas, and proposed to pay his passage if he, Parker, would accompany and assist him with the horses and mules he intended to purchase. This Parker readily agreed to. On arriving at San Felipe, Early could purchase but one horse, saddle and bridle, though he tried for some time to get one for Parker. Early told Parker they would "ride and tie" until he could get a horse for him. They left together and nothing more was known of Early until his body was found. So strong were the facts and circumstances, that no doubt remained of Parker's guilt. While confined, he was attacked with fever, of which he died, before he could be brought to trial. Before his death, however, he made a full confession to Thomas M. Duke, Esq., alcalde of the jurisdiction of Austin, and Dr. James B. Miller of San Felipe, both Kentuckians, that he had not only killed and robbed Early, but that he had killed two men in Kentucky. For the murder of the last he was convicted and sentence of death passed upon him, but he had been pardoned by his father, the then governor of Kentucky; had made his way to New Orleans, where he had grown old and spent all of his money when Early found him, as before stated. He also confessed that he had spent and gambled away nearly all the money he had robbed Early of when he joined White to come to San Felipe; that his intention was to kill White, myself, and the Mexican, and take what money White had—several hundred dollars in silver—but that he was prevented from making the attempt by the watchfulness of the Mexican. While imprisoned in Kentucky and under sentence of death he attempted suicide by cutting his throat, in consequence of which he wore a silver tube and could only make himself heard by a loud whisper. Parker was an assumed name. His true name was Isaac B. DeShay.

After spending a few days in San Felipe, I returned to Harrisburg and laid out that town. In the fall I went up to San Felipe and engaged as a merchant's clerk in the house of White and Harris.

1829.—In the spring of this year I went down to Bell's Landing on the Brazos, and took charge of a mercantile house established by White and Harris. Harris died during the summer of this year, and I was requested by White to assist him in closing up the business of the concern. While here I made the acquaintance of Capt. John Austin, of Brazoria, who was engaged in merchandize and running a vessel in the New Orleans trade. I had made the acquaintance of Samuel M. Williams, Esq., secretary of Austin's colony, of whom I shall speak more at length hereafter, also that of George B. McKinstry. In December I received the appointment of deputy surveyor for one of the districts in Eastern Texas.

I should have before stated that I made the acquaintance of Hon. David G. Burnet, Colonel Stephen F. Austin, James B. Austin, an only brother of the colonel's, Hon. Robert M. Williamson—three-legged Willie—Hon. Richard Ellis, in fine, most of the settlers of Austin's colony. During the summer of this year, Colonel Austin made

a campaign against the Waco and Tehuacana Indians on the upper Brazos. The expedition resulted in the killing of a squaw by accident, the burning of their village, and the destruction of their crops. They had been very troublesome for some time and had made frequent raids on the settlements.

In the summer of this year a Dr. Dayton, who had but recently arrived, produced considerable discontent by informing Austin's settlers that they were being imposed upon; that Austin was imposing a tax of twelve and a half cents per acre on all the lands that had been granted to them, without authority of law, and for the purpose of enriching himself. Unfounded and silly as this report was, there were those who were weak enough and wicked enough to believe it. Encouraged by those who lent him a willing ear and the excitement which the story created, he gave notice of a public meeting, to be held at San Felipe de Austin at a certain hour, for the purpose of investigation and discussion. The people assembled at the appointed time, but to the astonishment of the Doctor, he found but few who had listened to and pledged him their support. A committee was appointed by the meeting and directed to hear and decide upon the charges preferred, and to recommend such further, if any, action should be taken in the matter. After a full hearing and investigation the committee reported the charges unfounded and false; that they regarded Dr. Dayton as a disturber of the peace and quiet of the colony and unworthy to be received as a colonist; and lastly that he should be tarred, feathered, ridden on a rail through the town, and ordered to leave the colony on a day named, on pain of being turned over to the Mexican authorities. The recommendation was accepted, and promptly carried into execution, since which time nothing further has been heard of the Doctor. Thus ended the Dayton excitement and the first trial, judgment, and execution under *Judge Lynch*.

In the latter part of December I went to Nacogdoches, where I found the commissioner, Juan Antonio Padilla, and Thomas Jefferson Chambers, surveyor-general, both of whom had established their offices in that old town. Empresario contracts covered most of this territory. Some had forfeited their contracts; others had sold to companies in the United States, who had done nothing to comply with the original contract. Settlements had been made at an early day from the Sabine to the Trinity River. Through the influence of Colonel Austin a commissioner was appointed by the state government to extend titles to these people. On reporting to the commissioner, I was assigned to the Ayish Bayou district. I found there Thomas H. and John P. Borden, B. Simms, and several other surveyors; the first three from Austin's colony. Here I became acquainted with Thomas F. McKinney, of whom I shall speak hereafter. John S. Roberts, Colonel Frost Thorn, Charles H. Sims, Charles S. Taylor, Adolphus Sterne, George Pollitt, and many others of Nacogdoches. I also met William Moore of Kentucky, but then of Ayish Bayou, and Elisha Roberts, with whom Moore was living. Moore was anxious to engage in surveying, but wished to join some one who was a practical surveyor, as he had no practice other than that given at school. We formed a partnership and surveyed our district in part, but stopped work in consequence of the arrest and imprisonment

of the commissioner on false charges. After months of confinement he was released without a trial. He was soon after made secretary of state. He was a man of talent, and devoted patriotism. Before leaving Nacogdoches Johnson met with George W. Smythe, who had just arrived in the country. Smythe soon after was appointed to survey the Neches district.

1830.—After quitting work in the district, I returned to Nacogdoches. Moore remained to close up our business and make collections of our fees. In July or August, accompanied by Charles S. Taylor, I returned to San Felipe de Austin, where a short time before our arrival a man had been killed—Holcomb, a lawyer of eminence, by H. H. League and Seth Ingram. Moore came to San Felipe in the fall, and soon after was made deputy sheriff. While I had been absent, William H. Jack, Esq., a prominent lawyer, had arrived. Luke Lesasier, another prominent lawyer, had arrived in 1829.

In the fall Thomas Barnett, alcalde of the jurisdiction, authorized Captain Abner Kuykendall to raise a company for the purpose of breaking up a lawless gang whose headquarters were supposed to be in Gonzales. Before leaving, however, I, having joined the company, was out in search of Hiram Friley, the reported leader, who had killed a man—Fielding Porter, my ship companion—but recently in Gonzales, and was keeping out of the way of the law, and known to be in Austin's Colony. A man by the name of Little, after being severely "lynched," confessed that he had been harboring and feeding Friley. Eli Mitchel and myself visited Mrs. Little, who informed us that Friley was to meet her at their spring, some hundred or two yards distant, and that if we would secrete ourselves she would invite Friley to the house. At the time agreed on she went to the spring, and Friley came up with her. As soon as we were discovered he halted, brought his gun to his shoulder. In the meantime I hoisted my gun and took aim, but she missed fire. I dropped my gun and reached back and told Mitchel to hand me his gun, which he did. I raised and fired, the load entering Friley's breast, and knocking off the hammer of his gun; he ran some six or eight steps and fell dead on the porch. Having ordered Little out of the colony we then proceeded to Gonzales.

The Bolms of that place were known to be connected with *the gang*. After a strict and close examination of the old man and his son, without gaining any information, it was decided to subject the son to the ordeal of lynching. He confessed his and his father's complicity and said he would conduct us to the camp of the outlaws, some thirty or forty miles above Gonzales, on the Guadalupe River, where he said they had a considerable number of horses and mules. In the meantime Colonel Austin arrived, being on his way to Saltillo, the capital of the state, to attend the session of the state congress of which he was a delegate. The next morning we received the news of the killing of Roark and one or two others by Indians, near the landing on the San Antonio road. A party was sent out as an escort, with Colonel Austin, and to bury the dead. The next day Captain Kuykendall moved up the river, guided by young Bolm. We found a place where horses and mules had been kept either by Indians or white men, but they had been removed. We pursued our course north for some distance without mak-

ing any discovery. We then turned to the eastward, to near the divide between the waters of Guadalupe and Colorado rivers. Having stopped for breakfast and to kill game, one of our hunters returned and reported seeing two Indians below our camp. Thus things remained, and the men were engaged in cooking, when I suggested to Captain Kuykendall the necessity of sending out a party to ascertain the number and position of the Indians, and to order the horses caught and made ready for removal or use. He requested me to take such number of men as I thought necessary, and scan the country in the direction where the Indians had been seen. The Indians had evidently heard the reports of our guns, and had been sent out to discover our numbers and positions, but had returned when they saw our hunters. I selected five or six men for the purpose indicated. Before leaving, I requested Captain Kuykendall to keep his men in camp; telling him that if I discovered the Indians and could draw them out in pursuit of us, I would dispatch a man to him, and that he should have all the horses removed out of sight, and take position in a ravine near by, which ran down to a small creek not more than a hundred yards from our fires. I then moved forward, keeping down the small creek some three miles to a considerable bluff, which commanded a bottom prairie some half mile in width and running to the timber of another creek. Here we saw two or three Indians come out of the timber, and they were soon followed by others. They soon saw us, hallooed and beckoned us to them. Some twenty or twenty-five had got into the prairie; all on foot except one, the chief, who was mounted on a horse. When they saw we would not advance they came forward at a run. When they had made about half the distance across the prairie they fired several shots, one of which struck one of our horses, and wounded him slightly. After being satisfied that they would pursue us if we retreated slowly, I dispatched a man to Captain Kuykendall to inform him that we would bring the Indians into the ambush. The Indians pursued, firing an occasional shot, and we retreated slowly before them. Unfortunately, the firing so excited the men at camp that they set forward without regard to order, and came rushing to our assistance. We requested them to return to the camp, which they did, but not before they were seen by the Indians. The Indians, after this discovery, moved more slowly and cautiously, and when within a quarter of a mile of our camp, took position in a cedar thicket, with a small prairie intervening it and the post oaks. Seeing that they did not intend to advance further, and, as they opened fire from the thicket, the main body of the men rushed forward and formed near the edge of the prairie in the post oaks. They were ordered not to fire without orders. Regardless of this order, several shots were fired, but without effect, as the Indians were some three hundred yards distant. It was apparent that they could not be dislodged or driven from their position without exposing our men to a destructive fire, and a cost of many lives. The captain then asked what was best to be done. He was advised to draw off his force at a quick pace in the direction of our camp, the ravine in rear, and the creek on our right flank, hoping thus to draw the Indians from their cover, and attack them at advantage. They advanced slowly and cautiously under cover of the timber and brush of the creek and out of

range of our guns. We then crossed the creek and took up a position from which we could observe their movements. Thus foiled by our own imprudence we lost an opportunity of chastising, if not destroying, this band of savage marauders. After manoeuvring to get advantage of these wily sons of the forest and prairies to no effect, we took up the line of march for Gonzales. The night of the day of our arrival, Indians entered the town and stole several horses, shot at some of the citizens, and attempted to lasso another. The next morning, it was discovered by their fire, and other signs, that the party did not consist of more than five or six Indians. Pursuit was useless.

After ordering the Bolms out of the colony, the company returned to San Felipe. This little expedition had the effect of breaking up the outlaws, and giving quiet to the Austin and De Witt colonies. In the meantime, an election had been ordered for alcalde and members of the ayuntamiento of the municipality of Austin. My name was offered for the office of alcalde. I was elected by a large majority over my competitor, qualified, and entered upon the duties of the office. This is an important and responsible office, with jurisdiction in all civil and criminal proceedings.

In 1831, the state congress passed a decree requiring all merchants and traders to take out and pay a license tax. The national government, during the same period, established three additional posts in Texas—one at Tenoxtitlan, upper Brazos, Colonel Francisco Ruiz, commander; one at the mouth of the Brazos, commanded by Colonel Ugartechea, and one near the mouth of the Trinity, Anahuac, commanded by Colonel Juan Davis Bradburn. The declared object for establishing the military posts was to give protection to the frontier, and to insure the better collection of custom duties, but the real object was to hold in check if not overawe the colonists, of whom they were both jealous and afraid. A kindred measure more insulting and unjust and calculated to effect the colony disastrously was the decree of the 6th of April, 1830, by which all North Americans were prohibited from coming to and settling in Texas.

In the early part of Johnson's administration complaint was entered by Colonel Ruiz against a Mr. Millican, whom he charged with seizing and whipping one of his soldiers. This Millican denied, and charged that he found the soldier with one of his beeves. To avoid turning Millican over to the Mexican authorities as long as possible, the case was submitted to the political chief at Bexar, and a correspondence at once took place between the alcalde and chief, which was continued until near the end of his official term, and for once beating them with their own weapons. For this success the alcalde was indebted to Samuel M. Williams, Esq., colonial secretary, and also of the ayuntamiento of Austin, who conducted the correspondence. But our troubles were not to end with the Millican affair. Colonel Martin Parmer, a prominent actor in the Fredonian affair, who had left the country in consequence, returned, and as if to beard the lion in his den, in company with Colonel James Bowie visited San Antonio. Popular as Bowie was at that time with the Mexicans, he could not disabuse them of the jealousy and fears of Parmer. Parmer, finding his situation unpleasant if not dangerous, soon returned. An order was immediately directed to the alcalde ask-

ing the arrest of Parmer. Accompanying this was a subaltern officer and file of men, who reported themselves to the alcalde and held themselves subject to his order. Without unnecessary delay, yet sufficient to enable Parmer's friends to give him notice of the unfriendly intention of the Mexican authorities, the necessary writ for the arrest of Parmer was placed in the hands of the deputy sheriff, Captain Francis Adams, friend and associate of Parmer. Accompanied by the officer and his squad of men Adams proceeded to make diligent search for Parmer, but the bird had flown, the search was unsuccessful, the party returned and reported, much disappointed, and the officer somewhat chopfallen. Thus, again, were the colonists relieved of another unpleasant affair. Small as these things were in themselves, they were fair and true instances of the feelings indulged toward the Anglo-Americans by the Mexican authority. They first took alarm at the rising at Nacogdoches in 1826 under the lead of Edwards, which may be said to be the germ seed of their subsequent troubles, and the war of independence.

In the early part of '31 Francisco Madero, accompanied by J. M. Carbajal, arrived at San Felipe de Austin, on his way to the lower Trinity in Eastern Texas. Madero had been appointed commissioner for the purpose of extending titles to the settlers in that region and to establish and organize a jurisdiction and cause to be elected an alcalde and other municipal officers. After spending a few days at San Felipe, the commissioner, with his surveyor, Carbajal, proceeded to Liberty, on the Trinity, and entered upon his duties with promptness and efficiency; organized a municipality, and ordered an election for the necessary officers, who were duly installed and immediately entered upon their several duties.

Madero, by his independence and manly course, soon drew upon himself and the surveyor the prejudice, distrust, and jealousy of Bradburn, the military commander of the post of Anahuac. Under one pretext and another, Bradburn caused Madero and Carbajal to be arrested and confined, thereby suspending their official functions.

The gross illegality of this act is too manifest to require argument or comment. Madero was acting under the authority of the state government, and in strict conformity to both the decree and the laws of the state of Coahuila and Texas. Not satisfied, however, Bradburn abolished the municipality, and established one at Anahuac, without the sanction or knowledge of the state government.

As if not satisfied with these acts of lawlessness and violence, he next arrested and imprisoned a number of the citizens in the fort, under one pretext or another. Of those arrested and imprisoned William Barrett Travis, Patrick C. Jack, Samuel P. Allen and Monroe Edwards were of the number. These arrests and imprisonments were made in the latter part of the spring of 1832. In the meantime, the constituted authorities of Liberty continued to exercise their several offices, notwithstanding the orders and threats made by Bradburn.

Having served out my term of office, I was succeeded by Horatio Chriesman, as first, and John Austin, as second alcalde, in 1832. In the latter part of May of this year, we received the news of the arrest of Travis, Jack, and others. William H. Jack, a prominent lawyer of San Felipe, and brother to P. C. Jack, hastened to Anahuac to interpose

in behalf of the prisoners. [A brief account of the attack on Anahuac, previously described, is here omitted, but additional details follow concerning the intervention of Colonel Piedras in the affair.]

We were visited by two officers belonging to Colonel Piedras's command, who had marched down with some one hundred and fifty men and encamped some fifteen or twenty miles above Liberty. We were informed by these officers that Colonel Piedras desired to arrange an accommodation between the colonists and Colonel Bradburn. They were informed that we would meet Colonel Piedras at such point as he would name, or at his camp. They promised to return in a day or two, and inform us of Colonel Piedras's resolution. Before they left we desired them to inform their chief that he must remain in his then position, as we should regard any movement on his part as hostile; that our scouts would observe him closely. They had been stopped by our picket, and there held one conference. Under the circumstances it was deemed prudent to move higher up the country, the better to observe the movements of both Bradburn and Piedras, and, accordingly we moved up to Morse's Spring, about midway from our camp to Liberty. It is proper to state, however, that in the first interview with Piedras's officers it was agreed that we would meet at James Martin's, in Liberty. We accordingly met at that place, where they informed us that Colonel Piedras desired the meeting to take place at his camp. Before the time of meeting agreed on, we moved up to Liberty, and took up a strong position flanked on two sides by a large pond or lake, with post oaks in our rear and prairies in front. We kept scouts out constantly, with instructions to scan the country above Anahuac, and in the direction of Piedras's camp.

Accompanied by Captains Randall Jones and James Lindsey, as commissioners, and Captain Francis Adams, as interpreter, I went up to Piedras's camp. We were courteously received, and at once entered upon the consideration of our business, explaining briefly our causes of complaint against Bradburn. Colonel Piedras at once agreed to accompany us, go to Anahuac, place Bradburn under arrest, and turn the citizen prisoners over to the alcalde of the municipality. After refreshments furnished by the colonel we returned. Colonel Piedras stopped with Captain George Orr, an acquaintance and friend, who resided a mile or two above our camp. It was agreed before we parted with him that the alcalde, Hugh B. Johnson, should join him at Captain Orr's the next morning; all of which we communicated to the alcalde, who met Piedras as arranged, and accompanied him to Anahuac.

At an early hour next day Piedras and Johnson were reported to be nearby. The troops were formed in line, and saluted them as they passed by. It was late when they arrived at Anahuac, but Piedras at once put Bradburn under arrest, and turned over the command to the next senior officer. The prisoners were released with the privilege of the fort, but not delivered up to the alcalde, owing to the lateness of the hour. At a late hour of the night Bradburn escaped the guards. This caused considerable stir. Johnson became alarmed, fearing treachery, and escaped in his sock feet and without coat. A little after sunrise he arrived at our camp and reported. Soon after, William B. Harden came into camp, having become alarmed as Johnson had, and

made his escape from the place. Their arrival in camp created considerable excitement. Captain Martin proposed to break camp, cross Trinity River, and take up a position on the west side, and wait events. This I was opposed to for two reasons: First, it would expose our friends of Liberty to the fury of Bradburn, and, secondly, I deemed our position and numbers sufficient to successfully resist the combined force of Bradburn and Piedras, if attacked. I could not believe that Piedras had acted in bad faith, though circumstances were against him. The troops favored Captain Martin's proposition. After detailing scouts to scan the country in the direction of Anahuac and Piedras's camp, and to report any movement that might be made by either, we crossed the Trinity and established a camp at the edge of the prairie, distant a mile from the river, and posted a guard at the ferry. The next day we were informed of the facts, as before detailed, and the arrival of the citizen prisoners at Liberty. It is proper to remark that before these occurrences we had been joined by parties from the Neches and other points East, and by Captain Kuykendall's company from Mill Creek, Austin's colony. Upon the receipt of the news of the release and arrival of the prisoners at Liberty, the troops were disbanded and returned to their several homes.

This was regarded as a favorable time to separate from Coahuila, and apply for a state organization. With this view a convention of all Texas was called, and met at San Felipe de Austin. The representation, though large, was not entirely full. After a harmonious session the convention adjourned. Committees of safety and correspondence were created throughout the American settlements, and a memorial praying a state organization prepared, and commissioners appointed to present the same to the Mexican Congress, and urge that it be granted. It was also provided that the Central Committee at San Felipe, should have power to call a convention whenever in their opinion the interests of Texas might require.

The representation in the convention of 1832 not being full, the Central committee called a convention to meet in the spring of 1833. An additional motive for this call was that the commissioners had not gone to the federal capital. This convention confirmed all that had been done by the former, and drew up a memorial and a constitution for the *New State*.

Of the three commissioners appointed only one, Colonel S. F. Austin, proceeded to the city of Mexico. He presented the memorial, and urged the action of Congress. He was arrested and held a prisoner for eighteen months, or two years, under one pretext and another.

To go back and bring up my own history, it is necessary to state that:

In the fall of 1832 I was appointed principal surveyor of Austin's Colony. In the latter part of the fall, in company with my friend and partner, William Moore, I proceeded to Tenoxtitlan on the upper Brazos, and commenced work in what was known as the Nashville Grant, or Robertson Colony, where we continued to work until the early part of July, 1833.

This year marks two remarkable occurrences—the *great overflow* and *cholera*. Moore was engaged on the Upper Brazos and I on San Andrea, or Little River. Tenoxtitlan was the highest settlement on the Brazos,

except a trading post established by Francis Smith at the falls of the Brazos. In the spring of this year I found myself and party one morning surrounded by Indians. We had noticed fresh "signs" the evening before. However, as our position was a secure one, and the Indians perceived us prepared to defend ourselves, they declared themselves friends; held a talk and departed, apparently well satisfied. They were a hunting party, and encamped on a creek some two miles distant, where they remained some time, but gave us no trouble. They were quite a strong party, numbering some hundred and fifty. In the latter part of June, while engaged making surveys on the San Antonio road, the road being the line between the lower and upper colony, I, with a boy whom I had with me, and a Mr. Connell, was meandering the road and establishing the courses of various tracts, and Thomas A. Graves, with the main party, was running the extension line, we fell in with a small party of Tonkawa Indians. Connell and the boy had made a miscount in measuring the last line, and, Connell being in bad health, the boy and myself went back to the last station to correct the distance. I saw that the boy was excited, alarmed, and assured him that there was nothing to fear from the Indians, that I knew them to be friendly. While we were measuring the line Connell sat down, and on turning around we could not see him; this greatly alarmed the boy, but I reassured him, and we started back. How far he followed me I do not know, but on arriving where I had left Connell and the Indians, Connell asked me where the boy was; not seeing him, I hallooed several times, but received no answer. We concluded that in his fright he had run to our camp, which was on the road. The Indians made us understand that they wished to go to Tenoxtitlan; we accompanied them to our camp, gave them something to eat, and a letter to the citizens of that place, and cautioned them in approaching the place to hold up something in token of friendship, as the hostile Indians made occasional raids on the settlement. As soon as the Indians departed, we went in search of the boy, the only trace of whom was his track in a deep ravine. According to his own account, which he gave later, he kept in ravines and thickets most of the day, but all the time making his way towards Tenoxtitlan, where he arrived the next morning, and reported us killed by the Indians. This produced great excitement and alarm; an express was immediately sent to the lower settlements to request aid, in the meantime keeping up a strict watch. The call was responded to promptly, and on the fourth day some fifty men arrived at my camp to perform the last act of sepulture. You may well imagine their surprise and joy at finding us not only alive, but ready for our allowance and daily labor. They spent the day with us in a manner highly satisfactory to all. They departed, after receiving our hearty and heartfelt thanks, to their several homes. Soon after, I was joined by my friend Moore, who had quit work some time before. I sent the boy in with him. On my arrival at San Felipe I was informed that so confident were they of the truth of the first report that a meeting was called, resolutions adopted, and a eulogy prepared by Patrick C. Jack, which I doubt not was more complimentary and laudatory than either true or deserved.

In the fall of this year Captain Horatio Chriesman and John H.

Money joined Moore and myself in surveying. We continued our work until the beginning of the summer of 1834, when we stopped on account of the season. In the meantime, Robertson had applied for and obtained an extension of time within which the families contracted for by the Nashville Company were to be introduced. Hence operations in the Upper Colony were suspended for the time by Austin and Williams, who had, in 1832, obtained the colony.

In December, 1834, I accompanied S. M. Williams, Esq., Dr. Robert Peebles, and Major B. F. Smith, to Monclova, the seat of government, where the state congress, or legislature, was then in session. On our way we were joined by Colonel De Witt at Gonzales. We spent a day or two at San Antonio de Bexar, where we were treated with marked consideration and respect. On our first day's travel from San Antonio we encamped some ten or fifteen miles west of the Medina. After crossing the river we noticed some persons on the hills, whether Mexicans or Indians we could not determine, they being so distant. Being in a region known to be visited by hostile Indians, we detailed a guard for our own safety as well as that of our animals. After partaking of a bountiful supper, we were enjoying ourselves around our camp fire when a hooting, or yelling, was commenced by owls, a species, I believe, peculiar to the South, and in many of their hootings or notes they very much resemble the human voice. On hearing this hooting or yelling, Major Smith, who had contended stoutly that the persons we had seen on the Medina hills were Indians, rose to his feet and exclaimed, "there! did I not tell you that the persons we saw on the hills were Indians? I have served too long with General Jackson in his Indian campaigns not to know the difference between the whoop of an Indian and the hooting of an owl." Though I had not served with the "Old Hero" against Indians or others, I had some experience in wood-craft, and was quite familiar with this species of owl, yet I did not, nor did any of the others, think it worth while to argue the question with the Major. The Major had scarcely concluded his remarks, when we heard the report of a gun nearby. This was proof positive as well as satisfactory to the Major that we were about to be set upon by Indians. Colonel De Witt, who was on duty, soon after came in and reported that he was approached by either an Indian or wolf and that he had fired at it. Upon examination, we found that several of our horses had strayed beyond the line of the guards. Under these circumstances all hands were put on duty, and took post at the most suitable points. Williams and myself were placed in a ravine, when Williams soon after said to me, "I cannot remain here inactive without falling asleep;" to which I replied that, if he felt disposed to sleep, he could do so without the least apprehension of an attack by Indians. He took me at my word, wrapped himself in his overcoat, and slept until daylight, when we went in search of and found our missing animals and drove them to camp. After this, whenever we heard the hooting of an owl Major Smith was appealed to to decide whether it was an Indian or an owl. This deference to his better judgment, the Major would gladly have dispensed with, but we maintained it to the end of our journey.

On our arrival at Monclova, we found a number of Colonists, among whom I may name Colonel B. R. Milam and James Bowie, J. K. Allen,

A. J. Yates, W. H. Steele, James Carter, together with several others. I also made the acquaintance of Colonel James Grant, a deputy in the legislature; Dan J. Toler, Dr. John Cameron, General John T. Mason, and Alexander Newland. Here we remained until the early part of May¹ when the legislature adjourned to meet at San Antonio de Bexar, and to prevent being dispersed by military force, which was threatened by General Cos, the military commander, with headquarters at Saltillo. All Mexico was in a ferment; the Vice-President, Gomez Farías, had been arrested and thrown into prison but escaped and arrived at Monclova, where he was secreted by his friends until necessary arrangements could be made for his escape to the United States of the North.

Among the most important acts of this Congress was a decree authorizing the appointment of commissioners for Texas, to issue titles to such of the settlers as had not received them, also commissioners for Austin's and De Witt's Colonies and for Colonel Milam's colony.

Under this decree George A. Nixon, George W. Smyth, and Charles S. Taylor were appointed for Eastern Texas; Colonel Talbot Chambers for Milam's colony, Doctor Robert Peebles, for Austin and Williams's upper colony, and Johnson for Austin and Williams's colony. Bowie was appointed commissioner for General Mason's purchase.

The best account of the progress of Texas under Anglo-American colonization is afforded by Colonel J. N. Almonte's *Statistical Notice*, published in 1835. Almonte was commissioned to make a general inspection of Texas, and after a hasty tour of observation during July and August of 1834 he returned to Mexico and made a very favorable report, which Austin thought helped his case and caused the government to regard Texas more kindly than it had previously been inclined to do. The following extracts are from a translation published in Kennedy's *Texas*:

"The population of Texas extends from Bexar to the Sabine River, and in that direction there are not more than twenty-five leagues of unoccupied territory to occasion some inconvenience to the traveller. The most difficult part of the journey to Texas is the space between the Rio Grande and Bexar, which extends a little more than fifty leagues, by what is called the Upper Road, and above sixty-five leagues by the way of Laredo. These difficulties do not arise from the badness of the road itself, but from the absence of population, rendering it necessary to carry provisions, and even water during summer, when it is scarce in this district. This tract is so flat and rich in pasturage that it may be travelled with sufficient relays, and at a suitable speed, without the fear of wanting forage.

"In 1806 the department of Bexar contained two municipalities; San Antonio de Bexar, with a population of five thousand souls, and Goliad, with one thousand four hundred; total six thousand four hundred. In 1834 there were four municipalities, with the following population respectively: San Antonio de Bexar, two thousand four hundred; Goliad, seven hundred; Victoria, three hundred; San Patricio, six hundred; total four thousand. Deducting six hundred for the municipality of San Patricio (an Irish settlement), the Mexican population had de-

¹ The legislature seems to have adjourned on May 21.

clined from six thousand four hundred to three thousand four hundred between 1806 and 1834. This is the only district of Texas in which there are no negro laborers. Of the various colonies introduced into it, only two have prospered; one of Mexicans, on the river Guadalupe, by the road which leads from Goliad to San Felipe; the other of Irish on the river Nueces on the road from Matamoras to Goliad. With the exception of San Patricio, the entire district of Bexar is peopled by Mexicans. The greater part of the lands of Bexar can easily be irrigated, and there is no doubt that so soon as the Government, compassionating the lot (*suerte*) of Texas, shall send a respectable force to chastise the savages, the Mexicans will gladly hasten to colonize those valuable lands which court their labor.

"Extensive undertakings cannot be entered on in Bexar, as there is no individual capital exceeding ten thousand dollars. All the provisions raised by the inhabitants are consumed in the district. The wild horse is common, so as rarely to be valued at more than twenty reals (about ten shillings British) when caught. Cattle are cheap; a cow and a calf not being worth more than ten dollars, and a young bull or heifer from four to five dollars. Sheep are scarce, not exceeding five thousand head. The whole export trade is confined to from eight thousand to ten thousand skins of various kinds, and the imports to a few articles from New Orleans, which are exchanged in San Antonio for peltry or currency (*peletería y metálico*).

"There is one school in the capital of the department supported by the municipality, but apparently the funds are so reduced as to render the maintenance of even this useful establishment impossible. What is to be the fate of those unhappy Mexicans who dwell in the midst of savages without hope of civilization? Goliad, Victoria, and even San Patricio, are similarly situated, and it is not difficult to foresee the consequences of such a state of things. In the whole department there is but one curate (*cura*); the vicar died of cholera morbus in September last.

"The capital of the department of the Brazos is San Felipe de Austin, and its principal towns are the said San Felipe, Brazoria, Matagorda, Gonzales, Harrisburg, Mina, and Velasco. The district containing these towns is that which is generally called 'Austin's Colony.'

"The following are the municipalities and towns of the department, with the population: San Felipe, two thousand five hundred; Columbia, two thousand one hundred; Matagorda, one thousand four hundred; Gonzales, nine hundred; Mina, one thousand one hundred; total, eight thousand. Towns: Brazoria, Harrisburg, Velasco, Bolivar. In the population are included about one thousand negroes, introduced under certain conditions guaranteed by the state government; and although it is true that a few African slaves have been imported into Texas, yet it has been done contrary to the opinion of the respectable settlers, who were unable to prevent it. It is to be hoped that this traffic has already been stopped; and it is desirable that a law of the General Congress and of the State should fix a maximum period for the introduction of negroes into Texas, as servants to the empresarios, which period ought not, in my opinion, to exceed ten or twelve years, at the end of which time they should enjoy absolute liberty.

"The most prosperous colonies of this department are those of Austin

and De Witt. Towards the northwest of San Felipe there is now a new colony under the direction of Robertson; the same that was formerly under the charge of Austin.

"In 1833, upwards of two thousand bales of cotton, weighing from four hundred to five hundred pounds each, were exported from the Brazos; and it is said that in 1832 not less than five thousand bales were exported. The maize is all consumed in the country, though the annual crop exceeds fifty thousand barrels. The cattle, of which there may be about twenty-five thousand head in the district, are usually driven for sale to Natchitoches. The cotton is exported regularly from Brazoria to New Orleans, where it pays $2\frac{1}{2}$ per cent. duty, and realizes from 10 to $10\frac{1}{2}$ cents per pound for the exporter, after paying cost of transport, etc. The price of cattle varies but little throughout Texas, and is the same in the Brazos as in Bexar. There are no sheep in this district; herds of swine are numerous, and may be reckoned at fifty thousand head.

"The trade of the department of the Brazos has reached six hundred thousand dollars. Taking the estimate for 1832 (the settlements having been ravaged by the cholera in 1833), the exports and imports are estimated thus: five thousand bales of cotton, weighing two million two hundred and fifty thousand pounds, sold in New Orleans, and producing at 10 cents per pound two hundred twenty-five thousand dollars net; fifty thousand skins, at an average of eight reals each, fifty thousand dollars. Value of exports, two hundred seventy-five thousand dollars (exclusive of the sale of live stock). The imports are estimated at three hundred twenty-five thousand dollars.

"In this department there is but one school, near Brazoria, erected by subscription, and containing from thirty to forty pupils. The wealthier colonists prefer sending their children to the United States; and those who have not the advantages of fortune care little for the education of their sons, provided they can wield the axe and cut down a tree, or kill a deer with dexterity.

"The Department of Nacogdoches contains four municipalities and four towns. Nacogdoches municipality has a population of three thousand five hundred; and of San Augustine, two thousand five hundred; Liberty, one thousand; Johnsburg, two thousand; the town of Anahuac, fifty; Bevil, one hundred forty; Teran, ten; Tenaha, one hundred; total population, nine thousand, in which is included about one thousand negroes, introduced under special arrangements (*convenios particulares*.)

"Until now it appears that the New York Company are only beginning to interest themselves in settling their lands, bought or obtained by contract with Messrs. Zavala, Burnet, and Vehlein, empresarios, who first undertook the colonization of the immense tracts which they obtained of the state of Coahuila and Texas, and which are laid down in the maps of the North as lands of the 'Galveston Bay Company.' In consequence of that transaction, the Company are proprietors of nearly three-fourths of the department of Nacogdoches, including the twenty leagues of boundary from that town to the Sabine. Of the contracts of Zavala, Burnet and Vehlein, some expired last year, and others will expire during the present year. The Supreme Government, if at all anxious to do away with a system of jobbing so ruinous to the lands of the

nation, at the hands of a few Mexicans and foreigners, ought, without loss of time, to adopt means to obviate the confusion daily arising out of contracts with the speculators, which create a feeling of disgust among the colonists, who are dissatisfied with the monopoly enjoyed by companies or contractors that have acquired the lands with the sole object of speculating in them.

"The settlements of this district have not prospered, because speculators have not fulfilled their contracts, and the scattered population is composed of individuals who have obtained one or more leagues of land from the state, and of others, who, in virtue of the law of colonization inviting strangers, have established themselves wherever it appeared most convenient. But the latter have not even the titles to their properties, which it would be only fair to extend for them, in order to relieve them from that cruel state of uncertainty in which some have been placed for several years, as to whether they appertain to the United States or to Mexico. And as these colonists have emigrated at their own expense, it seems just that the contractors on whose lands they have settled, and who were not instrumental to the introduction of their families, should not receive the premium allowed by law. In stipulating with those contractors (empresarios) both the General and State Government have hitherto acted with too much negligence, and it would be well that they should now seriously turn their attention to a matter so deeply important.

"There are three common schools in this department: one in Nacogdoches, very badly supported, another at San Augustine, and the third at Johnsburg. Texas wants a good establishment for public instruction, where the Spanish language may be taught; otherwise the language will be lost; even at present English is almost the only language spoken in this section of the Republic.

"The trade of this Department amounts for the year to four hundred and seventy thousand dollars. The exports consist of cotton, skins, of the deer, otter, beaver, etc., Indian corn and cattle. There will be exported during this year about two thousand bales of cotton, ninety thousand skins, and five thousand head of cattle, equal in value to two hundred five thousand dollars. The imports are estimated at two hundred sixty-five thousand dollars; the excess in the amount of imports is occasioned by the stock which remains on hand in the stores of the dealers.

"There are about fifty thousand head of cattle in the whole department, and prices are on a level with those in the Brazos. There are no sheep, nor pasturage adapted to them. There are above sixty thousand head of swine, which will soon form another article of export.

"There are machines for cleaning and pressing cotton in the departments of Nacogdoches and the Brazos. There are also a number of saw-mills. A steam-boat is plying on the Brazos river, and the arrival of two more is expected; one for the Neches, the other for the Trinity.

"The amount of the whole trade of Texas for the year 1834 may be estimated at one million four hundred thousand dollars.

Departments	Imports.	Exports.	Total.
Bexar.....	40,000	20,000	60,000
Brazos.....	325,000	275,000	600,000
Nacogdoches.....	265,000	205,000	470,000
Approximate valuation of contraband trade with the interior, through the ports of Brazoria, Matagorda, and Copano.....			270,000
			<hr/> 1,400,000

"Money is very scarce in Texas; not one in ten sales is made for cash. Purchases are made on credit, or by barter; which gives the country, in its trading relations, the appearance of a continued fair. Trade is daily increasing, owing to the large crops of cotton, and the internal consumption, caused by the constant influx of emigrants from the United States."

Concerning the future of Texas Almonte was almost enthusiastic. "If we consider the extraordinary and rapid advances that industry has made; its advantageous geographical position, its harbors, the easy navigation of its rivers, the variety of its productions, the fertility of the soil, the climate, etc.—the conclusion is, that Texas must soon be the most flourishing section of the Republic. There is no difficulty in explaining the reason of this prosperity. In Texas, with the exception of some disturbers, they only think of growing the sugar-cane, cotton, maize, wheat, tobacco; the breeding of cattle, opening of roads, and rendering the rivers navigable. Moreover, the effects of our political commotions are not felt there, and often it is only by mere chance that our dissensions are known. Situated as Texas is, some four hundred and fifty leagues from the capital of the Federation, it is easy to conceive the rapidity of its progress in population and industry, for the reason that Texas is out of the reach of the civil wars that have unfortunately come upon us. The inhabitants of that country continue, without interruption, to devote themselves to industrious occupations, giving value to the lands with which they have been favored by the munificence of the government.

"If, then, the position of Texas is so advantageous, why should not the Mexicans participate in its benefits? Are not they the owners of those valuable lands? Are they not capable of encountering dangers with firmness and courage? Let small companies be formed; enter into contracts with agricultural laborers; appoint to each of the companies its overseer, agent, or colonial director; and I will be the surety that, in less than one or two years, by the concession of eleven league grants of land, which will not cost perhaps more than a trifle for the stamped paper on which the title is made out, the grants will be converted into a property worth more than from fifteen to twenty thousand dollars. Let those who wish to test the worth of this assurance visit the plantations of the colonists, and they will perceive I am no dreamer."

Almonte estimated the total population of Texas at thirty-six thousand three hundred—civilized inhabitants, twenty-one thousand and Indians, fifteen thousand three hundred. Kennedy thought this an understatement. He says: "Although the Anglo-Texans had suffered grievously from cholera in 1833, their numerical strength is evidently underrated. The scattered settlements rendered it extremely difficult to num-

ber the colonists with accuracy, and it did not accord with the policy of the Mexican government to represent them as formidable in any respect. They probably amounted to about thirty thousand, exclusive of the two thousand negroes."

With Almonte's report should be compared the statement that Stephen F. Austin presented to the government in 1833 as a basis for the demand of the Texans to be erected into a state. This is taken from the transcripts made by the University of Texas from the archives of the department of *Fomento* in Mexico City.²

"STATISTICS OF TEXAS"

NUMBER OF POPULATION. Municipality of Bexar, including the four missions of San José, San Juan, Espada, Concepción, and the Ranches upon the Bejar River.....	4,000
"Municipality of Goliad, including the towns of San Patricio and Guadalupe Victoria.....	2,300
"Municipality of Gonzales	1,600
"Municipality of Austin, including the towns of Bastrop, Matagorda and Harrisburg, and settlements upon the Colorado and San Jacinto Rivers, and the new town of Tenoxtitlan.....	12,600
"Municipality of Liberty, including the settlements of Anahuac, Galveston and Bevil.....	4,500
"Municipality of Brazoria, including the town of Velasco.....	4,800
"Municipality of Nacogdoches, including the settlements of the Ayish, Trinity, Neches, Attoyac, Tamija, Sabine and Pecan Point	16,700

"Total number of population..... 46,500

"The wandering tribes of Indians and half civilized persons, whose number passes twenty thousand, are not included in this enumeration.

"PRODUCTS. Those of Texas are: Cotton, sugar, tobacco, indigo, edible grains and vegetables of various kinds; flocks, lumber and boards, leather goods and hides.

"MILLS. In the municipalities of Austin and Brazoria there are thirty cotton-gins, two steam sawmills and grist mills, six water-power mills, and many run by oxen and horses.

"In Gonzales there is a water-power mill on the Guadalupe River for sawing lumber and running machinery (*mover maquinas*), which is of much importance, since this mill supplies the towns of Gonzales and Goliad and the city of Bexar with boards (*tablas*).

"The municipalities of Liberty and Nacogdoches are very well provided with mills and gins, and there is great progress in this industry in all parts of Texas.

"GENERAL OBSERVATIONS. The planting of cotton is very general and well advanced in all parts, and the yield this year will be more than one hundred and fifty thousand *arrobas* ginned and clean,³ equal to six hundred thousand *arrobas* with the seed.

² It is added to this discussion by the editor.

³ An *arroba* is about twenty-five pounds. A hundred and fifty thousand *arrobas* would be equal to about seven thousand five hundred bales in figures of the present day.

"The raising of cattle and hogs has increased with so much rapidity that it is difficult to form a calculation of their number. The price for which they sell will give you an idea of their abundance.

"Fat beeves of from twenty to thirty *arrobas* are worth from eight to ten dollars. Fat hogs of from eight to twelve *arrobas* are worth three and a half to five dollars each, and lard in proportion.

"Butter and cheese, corn, beans, and all kinds of vegetables abound.

"The sowing of wheat has not progressed so much, because the climate is not suitable for this grain in the settled region near the coast.

"The raising of horses and mules has progressed a good deal, although not in comparison to what it will do when the country is settled in the interior and the Indians subdued, who now make their raids to steal horses.

"In the Bay of Galveston there is a steamship, and a company has been formed in Austin and Brazoria for the purpose of bringing one to the Brazos River. There is also a plan to open a canal to join the Brazos River with the Port of Galveston, and another to join the two Bays of Matagorda and Galveston.

"The settled part of the country is provided with good roads and there are various new projects and enterprises for bettering the navigation of the rivers with oar-boats and steamboats for the purpose of facilitating the transport of the agricultural products of the interior of Texas to the coast.

"There are no schools or academies in Texas endowed or established by the state, but there are private schools in all parts and very good ones; and as soon as there is a local government to give form and protection to education there will be much progress in this direction.

"The inhabitants of Texas are in general farmers who own their lands; there are few among them who do not know how to read and write, or who do not understand very well the importance of protecting their property and person by means of a local government, well organized and well supported.

"The fact ought to be presented that the resources and qualifications of Texas to sustain a state government are augmented in the highest degree by the enterprising and industrious character of her inhabitants. Their progress is rapid, even in their present situation; but with a state government to enlarge and protect industry it would be much greater, because then there would be security and confidence, which do not now exist.

"Proof that the inhabitants of Texas have confidence in their resources to defend themselves against the Indian savages is to be found in the fact that they have not asked troops nor companies of soldiers or money, and they do not need to."

There are no exact figures by which to check these estimates of Almonte and Austin. It is probable that the truth lies between the two. Austin undoubtedly knew more about the actual condition of Texas than anyone else, and much more than Almonte could have learned in the short time at his disposal, but he had a strong motive for exaggeration. Immigration was very rapid during the latter part of 1834 and the first half of 1835.

Before closing the occurrences of this year, we will record the scalping of Josiah Wilbarger, and the killing of two men Strother and

Christian. Though there is nothing remarkable in the killing of two men, and the scalping of another, supposed to be dead, there is a circumstance connected with this occurrence that carries it out of the ordinary occurrences of the sort. The account of this affair is given by a gentleman whom we have known for some forty years, and whom we know to be a gentleman of undoubted veracity, and one, too, who knew the parties who were the sufferers. James R. Pace the narrator, had the statement from Wilbarger, and those who visited the scene of disaster, buried the dead, and brought in Wilbarger. The narration is as follows:

"In the autumn of 1834, a party of five men left Wilbarger's prairie, six miles above the town of Bastrop—their names were Josiah Wilbarger, Thomas Christian, Haynie, Strother, and King. The party moved up the east margin of the Colorado River to Mr. Reuben Hornsby's; from thence they continued up to the foot of the mountains, just above the [present] city of Austin.

"Here they remained a day or two; and, on the evening previous to the disaster, which well-nigh destroyed the party, they discovered an Indian in the prairie on horse-back about three-fourths of a mile from the foot of the mountain and gave chase to him, but being well mounted he made good his escape unharmed.

"The party continued their examination in the neighborhood of Pilot Knob and the Colorado until the following day, up to noon, when they halted on a small stream which now passes through Mr. Steel Mathew's pasture, to get their dinner. Haynie and King protested against stopping, as they were in the neighborhood of Indians, but numbers ruled. Wilbarger, Christian, and Strother hobbled their horses, while King and Haynie tied theirs within a few feet of where they had stopped. They were not long in making ready their frugal dinner. While eating, a noise or roaring, such as is made by a large herd of buffalo, was heard. Haynie, who had never been in an Indian country before, was alarmed, jumped up, and saw a large body of Indians coming down through the timber, and, in their direction. He gave the alarm and, upon turning his head, still further to the left, he saw an Indian within some twenty yards of them, he immediately raised his gun, a small squirrel rifle, and shot him in the head, which produced instant death.

"The Indians on horseback by this time had come down on the north side of the creek and nearly surrounded them; while those in the timber had got in close range, and opened fire. Strother, who was near the mouth of a small ravine, received a mortal wound, of which he informed his companions. Christian up to this time had sheltered himself behind a post-oak tree, where he had his powder-horn shattered by a ball; he soon after received a ball that produced death. Wilbarger also had taken position behind a tree, where he was shot.

"King and Haynie now cut the stake ropes of their horses, mounted, and passed out at the only opening not yet occupied by the Indians. The Indians, in the meantime, captured the three hobbled horses. Thus, Wilbarger was left alone with his dead companions, on foot, and wounded, with some two hundred and fifty Indians around him! Escape seemed next to impossible, yet he essayed it, but did not get more than a hundred yards when he received a ball in the neck, fracturing the

bone; he fell, and was unconscious for a time. While in this state, he was stripped and scalped, the Indians supposing he was dead. To escape by crossing the creek was impossible, as the bluff was occupied by some hundred Indians on foot. With such fearful odds, the wonder is that he got away at all.

"Haynie and King made good their escape, and arrived, in less than one hour, at the house of Mr. Reuben Hornsby. The news was communicated from thence to the lower settlement as rapidly as it could be conveyed on horseback.

"The settlers below, John B. Walters, Wells, and others, whose names I do not now recollect, collected and went up that night to Hornsby's. All was excitement, for they knew not at what moment an attack would be made on the settlement. But little sleep was indulged in; however, late at night, all being quiet, the party spread their pallets and enjoyed a sound sleep for a time. While thus asleep the party was aroused by the screams of Mrs. Hornsby who called upon the men to go and bring in Wilbarger, who she declared was not dead but lying under a post-oak tree, about one mile from the place of disaster! Mr. Hornsby, and the company, ridiculed the idea of Wilbarger's being alive, and ultimately persuaded Mrs. Hornsby to go to sleep again, which she did. Sometime before dawn the whole party were again aroused by the screams of Mrs. Hornsby, who reiterated her former declaration, and jumped out of bed.

"Preparations were at once made, and the party, as soon as they could see their way, set forward on their sad and painful journey. They took the route for the place of attack; and, about one mile before reaching it, Joseph Martin, I think, said to Walters, 'shoot that d—d Indian,' Walters being on the side next to the supposed Indian. He instantly raised his rifle, when Wilbarger, a pitiable and hideous sight, and almost exhausted, called in a feeble voice 'Walters don't shoot, it is me' which was heard, and the voice of Wilbarger recognized. At this discovery, the party, wild with excited joy, sent up a shout, which, could the savages have heard it, would have caused them to beat a hasty retreat.

"Here the party divided; some employed themselves in making a litter on which to convey Wilbarger to the settlement. The others went to the scene of disaster, which they had no difficulty in finding. They gave to the dead such sepulture as their limited means would admit of; returned to their friends, and made their way back to the settlement. On arriving at Mr. Hornsby's, a physician was immediately sent for, and all that kindness and the generous feeling of a hospitable people could do to alleviate the sufferings and minister to the comforts of Wilbarger were extended."

The part of Mrs. Hornsby in this tragic affair is, to say the least, a most remarkable case. Her declaration is verified by all who performed the last rites for the dead—even to the post-oak tree, and the distance from the scene of disaster where Wilbarger was discovered, were found to be substantially correct.

In the latter part of this year, the ayuntamiento of the municipality of Austin, elected Francis W. Johnson judge of the first instance, and George Ewing, judge of the second instance, for that municipality, her population entitling the jurisdiction to these two officers.

CHAPTER X

CONFUSION OF THE STATE GOVERNMENT, 1833-1835 ¹

The year 1833 was a hard one for Texas. Disastrous floods and a sweeping epidemic of Asiatic cholera laid heavy toll of suffering and sorrow upon the land. James F. Perry warned Austin that he would find on his return many vacancies in the ranks of his friends; eighty died in Brazoria alone, he thought, and the dead sometimes lay unburied because of the terror of the survivors. In some cases whole families were wiped out. John Austin, one of the *alcaldes* of San Felipe, and leader of the attack on Velasco in 1832, D. W. Anthony, editor of the Brazoria paper, and the empresario Martin de León, were among the conspicuous losses to Texas during this memorable year.

But after the passage of the cholera the chief interest of the Texans shifted to state politics, the trend of which offered many additional reasons for desiring separation from Coahuila. The trouble here was due partly to a local quarrel between Saltillo, in the southeastern corner of Coahuila, and Monclova in the northwest, and partly to the disturbed condition of national affairs. On March 9, 1833, the legislature of Coahuila and Texas passed a decree removing "for the present" the capital of the state from Saltillo to Monclova, and requiring the governor and other members of the executive department to take up their residence there by April 1. The decree was signed by J. M. Viesca, president of the permanent deputation, and J. M. de Uranga and M. Borega, members of the deputation. The reason for the action is not given and is unknown. On April 3 the governor approved a decree of abolishing a militia company of thirty men at Saltillo which had been paid from the state funds since 1829; and at the same time or shortly afterward the words "for the present" were stricken out of the decree which established the capital at Monclova, thus indicating an intention to make that the permanent capital. These measures were extremely irritating to Saltillo, but open disturbances were held in check until the following year.

The legislature that met at Monclova on January 1, 1834, was unusually liberal in its treatment of Texas. Four new municipalities were created, Matagorda, San Augustine, San Patricio, and Mina; the department of the Brazos was established between the former departments of Bexar and Nacogdoches; Texas was allowed an additional representative

¹ This chapter was written by the editor. The material for it was drawn largely from manuscripts in the Austin Papers and the Bexar Archives at the University of Texas, and the Lamar Papers and "Domestic Correspondence" at the State Library. The account of the land speculations of 1834 and 1835 is taken substantially from an article by the writer published in *The Quarterly* of the Texas State Historical Association for July, 1906.

in the legislature; the use of English in official documents was legalized; and the judiciary system was revised so as to allow Texas an orderly series of courts with trial by jury in criminal cases. All these measures tended in the direction of a greater degree of local self-government for the Anglo-American portion of Texas, and may have been influenced in part by the recommendations of Santa Anna and the general government, growing out of the conference with Austin on October 5, 1833. The judiciary reforms have been previously discussed, and the other decrees need no further treatment here. Henry Smith was appointed political chief of the new department.

Toward the end of April the legislature adjourned, leaving the government in the hands of the acting governor, Villaseñor, and the permanent deputation. On May 23 some of Santa Anna's adherents in the state of Morelos proclaimed the plan of Cuernavaca, which declared null liberal reforms recently adopted by Congress, protested against changes in the state religion, and called on Santa Anna to dissolve Congress and defend the constitution. On June 24, the permanent deputation of Coahuila and Texas called the legislature to meet at Monclova on August 9 to take measures for the "safety of the federation" and "for the permanent restoration of the public tranquillity, at present interrupted by the collision of the supreme national authorities, and by *pronunciamentos* which as a pretext invoke religion, which is really free from danger; and for the avoidance of any internal disturbance which such events might occasion." At the same time, declaring that the state would not permit "the exalted name of religion to be wantonly invoked within its territory," it authorized the governor to banish from the state anyone who showed a disposition to disturb the public peace in such manner. A month later, however, the opposition to the plan of Cuernavaca was withdrawn, because, as it was said, the nation seemed to concur in accepting it, and Coahuila and Texas would never stand in the way of the will of the majority of the states. The legislature was prevented from organizing by the failure of some members to attend and by the withdrawal of the two members from Saltillo.

In the meantime, Saltillo, hoping to regain its old position as capital of the state by supporting Santa Anna, had forestalled Monclova by pronouncing in favor of Santa Anna and the plan of Cuernavaca on July 19. It then proceeded to set up a rival government and declared all acts of the legislature since January 1, 1834, null and void. Civil war threatened between Saltillo and Monclova, and Acting Governor Villaseñor was deposed at Monclova to make way for a military executive in the person of Juan Elguezabal. Hostile preparations went on apace and on September 2, 1834, Oliver Jones, the representative of the department of the Brazos at Monclova, wrote pessimistically to Political Chief Henry Smith that the Saltillo government was gaining strength daily.

"MONCLOVA, September 2, 1834.

"DEAR SIR: The political affairs of this section of the country are in a state of perfect anarchy and confusion. The state government has fallen into pieces, without leaving a foundation on which another can be constitutionally erected; on the 30th of last month, an officer of the permanent army was proclaimed governor of the state by fifteen officers

of the army, two members of the ayuntamiento of this place, and three of the deputies of the congress; and the former governor turned out of office. There is not, nor will there be, any congress or permanent deputa-tion in this place during the present year. At one time since my arrival in this city there were seven members present, two of whom were of the Saltillo party, and refused to serve; and immediately left for that place. Bascas left this morning for Texas. I shall, if permitted, remain here a few weeks longer. The government established in Saltillo still exists and is gaining ground. The towns of Rio Grande, Morales, San Juan de Mat and Santa Rosa, have declared in favor of Saltillo. There are about five hundred militia and permanent troops in this place, but up to the present time they have remained inactive. The government of Saltillo appears to be on an equal footing with that of this place, and has an equal number of supporters in this part of the state. Is not Texas as much entitled to a government as the former? She is without one, in fact none exists in the nation of which she forms a part; I am of opinion this is a subject worthy your deliberation at this critical moment.

"The state of Vera Cruz has, I am informed, declared in favor of a Central Government; and I have no doubt of Santa Anna's intention to establish that form of government.

"Chambers will leave in a few days for Texas.

"Yours, etc.,

"OLIVER JONES."

After some skirmishes had occurred between the forces of the rival towns civil war was averted by an agreement on November 6 to refer the quarrel to the arbitration of Santa Anna. The president's decision was rendered December 2, and declared that Monclova should remain the capital; that Elguezabal should continue to hold the executive office until a new election could be held; and that an election should immediately be called to choose a full corps of state officials. This election should have taken place in the fall, but it had been prevented by the confusion in Coahuila. The election was now held on February 9, 1835, and the legislature convened on March 1, 1835.

By many the omission of the elections in the fall of 1834 was regarded as putting both governments outside the law, and as leaving Coahuila and Texas entirely without government. Some of the Coahuilans gathered at Bexar and induced the political chief of that department to issue on October 13 a call for a convention to meet at Bexar on November 15 to organize a provisional government, pending the settlement of the quarrel. A portion of the address, which is translated in Edward's *History of Texas*, presents a graphic picture of the political situation: "The disastrous events which have lately taken place in the great Mexican nation, of which you are a part, and the deplorable and perilous situation in which the state is now placed, demand imperiously your exclusive and most serious attention. The baleful and portentous spirit of revolution has torn the republic into pieces, and threatens in the most alarming manner the liberal and republican institutions which you have sworn to maintain. . . .

"The congress of the state has ceased to exist; the elections have not been made; the state is dissolved. Two governors, equally illegiti-

mate, contend with each other for the exercise of executive power of the state; and its inhabitants are under no legal and constitutional obligation to obey either the one or the other; as you have been made fully sensible of, by your returned representatives. This monstrous phenomenon which has appeared in the political horizon of the state, has caused a universal and frightful disorder and confusion; convincing us that we have no time to lose. Therefore, we the undersigned entreat the people of Texas to unite with their fellow-citizens of Bexar, in deliberating upon the means which it may be expedient to adopt, in order to save the country from such unparalleled anarchy and confusion!"

This address, with characteristic Mexican sluggishness, reached the political chief of the Brazos on October 28, after he had already been moved to action on his own account. On October 20 he issued a broadside of four columns entitled "Security for Texas," which was reprinted in the *Texas Republican* of the 25th. Quoting Oliver Jones's letter of September 2, already given, he said that the necessity of organizing a government in Texas must be admitted by all. Since both state and national governments had yielded to anarchy, some would be in favor of organizing as a separate state, independent of the Mexican confederation. But it would be more prudent merely to consider the union with Coahuila dissolved and organize as a Mexican state: "Her unnatural connection with Coahuila, a dissolution of which has been so much desired by Texas, is now by the act of the former dissolved; let Texas then abandon her to her fate; she has withdrawn herself by her own wilful and unlawful act, forfeiting all claims to protection from the civil compact; let her, then, quietly enjoy the blessings of anarchy. . . . She has by her own willful and abandoned conduct thrown herself without—let Texas, then, keep herself within—the pale and provisions of the constitution which she has sworn to support and protect. Let the separation caused by the act of Coahuila be responded to by Texas and declared perpetual." He suggested that each ayuntamiento should issue the usual writ for an election, and fill all vacancies in the municipal offices. At the same time let the Central Committee, exercising the power vested in it by the conventions of 1832 and 1833, "immediately convoke the people of all Texas through their representatives to meet in public council and formally protest against the further interference of Coahuila within her domain," declare the two provinces separated, and nullify all laws passed by Coahuila since "her innovation" which were calculated in any way to interfere with the local political affairs of Texas. Texas could thus put herself in the attitude of maintaining the legitimate government of the state, while Coahuila, torn by revolution, would be left without organization.

This proclamation was effectively answered in another broadside issued from San Felipe on October 28 by the Central Committee. This committee was now composed of James B. Miller, Wily Martin, Robert Peebles, William Pettus, William B. Travis, William H. Jack, and F. W. Johnson. They argued that it was absurd to contend that because revolution had temporarily overtaken Coahuila the constitution was overthrown and the union with Texas dissolved. "Because one part of a state or community has lawlessly violated the constitution, is that a justification, or even an excuse, for another for doing the same? If this

political doctrine be true as to a state, it is equally true as to individuals; and when applied to men it becomes [so] preposterous and absurd that the weakest minds will easily detect its folly." There was every assurance that the conflict between Saltillo and Monclova was in a fair way of settlement; the state legislature had recently removed many of the evils that had annoyed Texas, making it possible for the people to enjoy most of the advantages of separate state government without the expense of maintaining a state administration; and the good will of the general government was proved by the repeal of the 11th article of the law of April 6, 1830, and the continued exemption of Texas from import duties. Finally, the situation of Colonel Austin, who had gone to Mexico as the agent of the people and suffered imprisonment for them, demanded tranquillity in Texas, and the people were in honor bound to do nothing that might aggravate his difficulties. The committee desired nothing more earnestly than a state government, but it was "equally anxious that none but constitutional measures should be adopted for the purpose of obtaining it."

On receiving the communication from Bexar, Smith had written to the political chief, saying that he was entirely in accord with the movement for a local provisional organization, but that he feared there was not sufficient time before the meeting of the convention for the scattered and somewhat disorganized ayuntamientos of the department of the Brazos to order the election of delegates. He suggested, therefore, that the convention adjourn from day to day until the elections were held and the delegates could arrive. On November 6 he wrote again to say that the plan had met with much opposition, "principally instigated by what I can call nothing but a violent party spirit which has unfortunately been of long standing, and the party are now invigorating themselves by working on the sympathies of the people, owing to the confinement of Colonel Austin in the City of Mexico—telling them that it is on their account he has been doomed to suffer so much, and that any move on their part would only tend to accumulate his sufferings; and to remain quiet, that everything will soon be right, or, in fact, that nothing is now wrong. This party is ever vigilant, and, as it were, on the wing, endeavoring to counteract every popular move in the people except it should be recommended by Colonel Austin, considering him as their God." The prime movers in this party dreaded organization, said Smith, because they feared investigation. He urged the authorities at Bexar to continue the movement for organization, and promised to persist in his efforts to get the department of the Brazos to co-operate.

At about the same time—the document is undated—Smith issued as a broadside, "Explanatory Remarks on the Official Document, under the Title of 'Security for Texas,' with a Fair View of Her Present Political Situation." This was really an answer to the Central Committee's proclamation of October 28, and was designed to convince the people of the necessity for the convention and the organization of state government. His previous communication was based, he said, on information from the representatives of Texas in the legislature certified by the superior judge of Texas, Judge T. J. Chambers. This information showed in substance "that our constitution was violated and scattered to the four winds of Heaven. That the constitutional time for renovating all the

important officers of the state had passed by and no election was had, as such the constitution became *ipso facto* a dead letter, and now exists only in name; and that independently of mob government which had been established in the city of Saltillo for some time and exercising its functions in direct opposition to the constituted authorities, on the 30th day of August an officer of the permanent army assumed the executive chair in Monclova—issued his proclamation as governor—and completely dissolved all the legitimate authorities of the state.” While his proclamation was issued hastily, before the people were sufficiently informed of the need of action, he felt justified from the fact that the Mexicans of Bexar, who were not given to radical measures, had come to the conclusion that local organization was essential to prevent the spread of anarchy to Texas. Could he view the reply of the Central Committee in the spirit in which he considered it to have been written, he “should have no hesitancy in pronouncing it as the crude and loathsome abortion of bad heads and bad hearts in a bad cause combined;” but he knew that some members were honorable men and must conclude that, though their views were illiberal, they were intended to promote the general welfare. Time would expose their fallacy. His argument was briefly this: It was the duty of the Texans to restore constitutional government in the state; this they were physically unable to do in Coahuila; if they remained quiescent they became equally guilty with Coahuila; therefore it was necessary to set up a provisional government, with due regard for all the constitutional forms, in Texas. “I insist upon it, then, that it is certainly the interest and duty of Texas, if she intend to retrieve and sustain her constitution and keep herself from collision and difficulty to organize herself before she feel the entire want of the governmental rein. There is no reason why she should remain in anarchy or subject herself to the whims and caprices of lawless mobs. She has a good and sufficient plea, if timely pled, before the proper tribunal [the general government]. That plea is physical inability on her part to *directly* punish the aggressors and to reinstate and sustain the constitutional authorities while located in Coahuila. This is the only legal plea which Texas can have to excuse her citizens from being equally guilty with Coahuila.”

“Some there are,” he continued, “who say that Texas is not capable or able to sustain herself in a separate government; that she lacks numbers, talent, and finally means. I can with propriety say to such that she has so far been self-governed; and a great part of the expenditures of the whole state have been, in one way or another, drawn from her resources. Her inhabitants are rated at forty thousand—and whether that be under or over a fair estimate—that no section of the civilized world comprising her own numbers can produce more intelligence and general information than will be found among her settlers.”

The strongest practical argument against Smith was that Texas was prosperous and the people as yet felt no personal inconvenience from the disorganization in Coahuila. This he naively reveals himself: “I have now given you the true situation of the government; but what is that of the people? They are indeed, as in the days of Noah, marrying and giving marriage, eating and sleeping, and selling their cotton forsooth at a

tolerable price; and this, the committee would persuade them, is irrefragable proof that all is well."

Smith issued his proclamation from Brazoria, and his opponents, evidently fearing that the counter-proclamation of the Central Committee might need additional support, prepared a strong "public declaration" against his proposal, which was to be circulated in the Brazoria district for signatures. A manuscript copy is preserved in the Austin papers. The handwriting is as yet unidentified, and it is without signature, which probably indicated that it was found unnecessary to put it into circulation. It undoubtedly represents the opinion of all but a handful of the settlers, and for that reason it is given in the note below.²

²"By this Public declaration

"Be it known

that we the undersigned citizens of the Mexican Republic, and of the state of Coahuila and Texas; resident in the municipality of Columbia, (heretofore called of Brazoria) being seriously alarmed by the late unauthorized call of an election of members to a revolutionary congress; jeopardizing as we believe the security of our families and our dearest rights and interests, and tending, if acquiesced in by the people to the utter ruin of all our hopes in Texas; feel it incumbent upon us to make this our public protest against, and declaration of dissent to, the unauthorized doings of a few ambitious *agitators of revolutionary measures*.

"As Republicans, we hold to the immutable republican principle, that in a republican community, no measure involving the peace, security and happiness of the people, should be adopted without the assent of a majority of the people fairly—called for and distinctly expressed—

"Yet we have seen as we conceive our most sacred rights and privileges usurped, and sentiments expressed upon our responsibility, which we do not, nor ever have subscribed to.

"We therefore deem it our duty to ourselves, and to our fellow-citizens of the other municipalities of Texas, to permit no longer—by our silence, a few aspiring ambitious men, zealous to promote their own elevation and individual advantage, but reckless of consequences to the great body of the people, to use our names or to assume the right of thinking for, or dictating to us the political course we shall pursue, without our knowledge or consent.

"We distinctly avow our decided disapprobation of the attempt, made by the political chief, to obtain an election of members to a revolutionary congress—without calling for the sense of the people, or even consulting the central committee, appointed by a convention to warn the people of political danger.

"Because we view the measure as an unwarrantable assumption of authority to dictate to the people;

"Because we deem the measure to be fraught with the most ruinous consequences to the people of Texas; as directly at variance with the true interests of our adopted country, tending to confirm all the unfounded suspicions (which have been created by evil minded persons), of our revolutionary and rebellious dispositions, and destructive of all confidence, both at home and abroad, in the stability and security of political rights and in the rights of person and property in Texas; which we consider to be the basis of all public and private prosperity—

"Because we conceive that the Genl Govt by the repeal of the 11 art. of the obnoxious 6 April law and leaving us until this late period exempt from the payment of import duties, paid by the people of all other parts of the republic, has shown a most paternal regard for our prosperity—

"Because we believe that the state congress has given us all the elements of good government, order and security under the law, by enacting laws establishing a system of jurisprudence adapted to our situation with trial by jury, which if carried out according to the provisions of the law and sustained by the people, would place justice within the reach of every citizen, *according to the judgment of his own peers; his own neighbors or equals:*

"Because we believe that the arrest and cruel imprisonment of our envoy to the Genl Govt (Col. Austin) has been occasioned not by any hostile feelings on the part

In a letter of December 7 James F. Perry gave Austin an account of this affair, saying that the people "almost with one voice opposed the measure *in toto*." He had heard of but three elections in accordance with Smith's proposal—at Brazoria, Columbia, and Velasco. At Brazoria the returns showed fifty-seven against and sixteen in favor of a convention; at Columbia twenty-four against and three favorable; at Velasco, according to Perry, "there was actually not more than from seven to ten legal votes to be given, but at the time of the election there was two or three vessels lying there with their crews and passengers, and to accommodate, I suppose, Mr. Wharton and Dr. Archer, they all went forward and voted for their candidate, and I have been told there were between fifty and sixty votes there when there was not more than ten in the precinct." Perry, of course, was a peace party man, and his statement of the general opposition to Smith's proposal needs to be weighed with some care. The election returns, which are preserved in the Austin Papers, seem to bear him out.

There was a lull in state politics after Santa Anna rendered his decision concerning the location of the capital, but it lasted only until the meeting of the legislature on March 1, 1835. The deputies from Saltillo contended that the election of February 9 was not legal and took advantage of the passage of an unpopular land law to withdraw from the legislature. Saltillo thereupon called on General Cos, commander of the Eastern Provinces, to disperse the illegal body. Cos responded, and thus increased the confusion by introducing the federal military into the squabble.

There appear to have been two main reasons for the interference of General Cos: One was the passage by the legislature of some land laws of which speculators took advantage to obtain large grants of land

of the members of Govt but by false and malicious charges made by evil minded, malignant persons, resident in Texas and laid before the Govt in such a shape that it became its imperious duty to take notice of them

"Because we are convinced that however desirable a state Govt may be if obtained by moral force (constitutional and legal means) that it has become less necessary to our prosperity since the establishment of a system of jurisprudence which is calculated to give us most of the benefits without the enormous expense of sustaining a state gov't—

"Because we conscientiously believe, that the frequent agitations of political revolutionary measures in Texas, tends not only to bring us into collision with the state and genl govts without a chance of success in a contest in arms; but by passing to the United States of the north with exaggerations destroys all confidence there in the security of property in Texas, prevents the immigration of men of capital and force, renders property valueless, and blights forever the hopes we have entertained of seeing '*the wilderness blossom as the rose*.'"

"Therefore we feel it to be a duty from which we can no longer abstain to take this method of making known our disapprobation of any and all revolutionary measures and our dissatisfaction with '*the choice spirits*' who arrogate to themselves the right of thinking and acting for us; sincerely hoping that hereafter they will have the modesty to leave it to the people to discover their virtues and talent, and to wait for a call upon them, whenever their aid or counsel may be required.

"And to the end that this expression of sentiment may not be taken to be that of a small number of citizens, we have adopted this mode of defining the public feeling by circulating this declaration that every man's name may stand in evidence of his views and wishes.

"Dated in Columbia this day of November, 1834."

in Texas, contrary, as it was alleged, to the federal colonization law; the other was the passage of a vigorous protest against the changes that Santa Anna was effecting through congress in the national constitution. Cos urged the first as his excuse, but it is likely that he was much more deeply moved by the protest than by the sale of Texas lands. For a clear understanding it is necessary to go somewhat fully into these two questions.

It will be remembered that the state colonization law reserved to the state the right to sell, to Mexicans only, land in eleven league blocks at the nominal price of \$100, \$150, and \$200 a league, according to whether it was grazing land or unirrigable or irrigable farming land.³ The speculation in Texas lands seems to have grown out of this right of the government to sell to Mexicans. The first sale by the government was made to Juan Antonio Padilla, in 1828. During the next two years only a few sales were made, but in 1830 James Bowie went to Saltillo, at that time the capital of Coahuila and Texas, and returned with fifteen or sixteen eleven-league grants, which he had induced Mexican citizens to apply for and had then purchased from them. Other Mexicans, some of them as far away as the City of Mexico—perceiving a chance of profit—also applied for eleven-league grants, and received them. Doubtless from this time dated a considerable traffic. This may be inferred from a letter written by Dr. Asa Hoxey to R. M. Williamson in December, 1832. Writing from Montgomery, Alabama, whither he had gone on business from Texas, Dr. Hoxey said: "You mentioned in your last letter that you believed Mexican grants of eleven leagues could be procured for a reasonable sum, if so you will perceive by the enclosed proposition that Mr. Edward Hanrick, George Whitman and myself are disposed to procure some of them." Later testimony shows that the traffic became very extensive. In February, 1835, B. R. Milam petitioned the political chief to ask the governor to appoint special commissioners to assign lands and titles to isolated families in Texas, and gave as the reason for his request that many people who had come to Texas eight or ten years before under the terms of the colonization law and had settled on vacant lands and taken the oath of allegiance to Mexico had, during the last year, "been surveyed in and attempted to be dispossessed by *foreigners* and others under pretended eleven-league grants." His efforts as *empresario* and those of the state "to colonize designated portions of the lands of Texas," were, he said, "in great danger of being defeated by the claimants of eleven-league grants." And Thomas F. McKinney, writing in October, 1835, said that the government had been in the habit of issuing great numbers of these eleven-league grants at from \$100 to \$150 a league. There had never been any "hue and cry" raised against it, many of the best citizens had engaged in the business, and some of them held grants in their name for friends residing in the United States.

But in 1834 and 1835 a bewildering series of laws was passed which opened wide the gates to speculation on a wholesale scale. The first law (March 26, 1834), decreed that the vacant lands of the state should be

³ The discussion of the land speculations which follows is taken substantially from an article by the editor that appeared in *The Quarterly* of the Texas State Historical Association in July, 1906.

surveyed in lots of 177 acres each, and sold at public auction to the highest bidder at a minimum in Texas of ten dollars a lot. Payments were to be made in three instalments, one-third down and the balance in one and two years. Nobody was to be permitted to buy more than eleven leagues, but the law was particularly liberal in that it allowed foreigners to purchase and gave them a year in which to move their families to the state and become naturalized—which was necessary for the perfection of their titles. Another liberal feature provided that no one should be molested for religious or political opinions so long as he kept the peace. And, finally, it was decreed that no further colonization contracts should be entered into, which meant, of course, that the profits formerly accruing to the *empresarios* in premiums would now go to the government. By a supplementary law of April 23, 1834, it was decreed that after the lands had been "once exposed at public sale with all the formalities," if no offer were received as high as the minimum, they might later be sold to any person offering the minimum price "without the necessity of again opening the auction."

That advantage was taken of this law for speculative purposes does not positively appear—perhaps the eleven-league limit made it unattractive,—but the supplementary decree certainly does suggest a clearing of the decks for rapid action. And Judge T. J. Chambers, writing in 1837, declared that only by his efforts was defeated the proposal of a "foreign millionaire company," whose agent was Gen. John T. Mason, to purchase for a "pittance" some twenty million acres of land on the eastern frontier. "He was informed by several means," he said, "that members of the legislature and the governor were offered large bribes to pass the measure; the governor was pledged to him to veto the bill if it passed, but fortunately a majority of the members were honest and killed it." Mason did, however, secure a large grant during this session of the legislature, and after reviewing all the evidence it is not altogether clear that he did not get it under some extension of this law. Stephen F. Austin, writing from prison to Oliver Jones, expressed satisfaction with the system of public sale—"such a law is necessary—public sale is the best and only true basis for a land law. It will benefit the state of Coahuila and Texas greatly and fill its treasury, and also benefit Texas. I recommended this system to the ministers here." Austin wrote from rumor, and did not know the details of the law, so that it is not certain that he would have endorsed this law so freely.

The second law affecting the public lands was passed April 19, 1834. "With the intention," runs the preamble, "of protecting the lives and property of the citizens, constantly sacrificed to the perfidy, rage, and barbarity of the hostile Indians, and desirous that so important and sacred an object may be accomplished without giving additional care to the general government, . . . the congress of the state . . . has thought proper to decree:

"Art. 1. The executive, availing himself of the resources of the state, shall repress the ferocity of the savages. . . .

"Art. 2. For said object the executive may dispose of such number as he shall consider necessary of the militia which the state has in the departments wherein hostilities are committed, and for paying or remunerating the militiamen, he may take of the vacant lands to the

amount of four hundred *sitios*, distributing them agreeably to the rules and conditions he shall establish.

"Art 3. For the present twenty thousand dollars are hereby appropriated, of the first receipts of the state treasury for sales of lands made by virtue of the law on the subject." Just a year later, April 14, 1835, another law declared that the executive could not dispose of the four hundred *sitios* of land mentioned in article 2d of this law, "except solely for the object which said law determines"; but "agreeably to the aforementioned law the executive has been, and is, authorized to contract the afore-mentioned lands, or to distribute them, as he shall think most proper, among the militiamen, who prosecute the war against the savages."

Under this law of April 19, 1834, S. M. Williams, Robert Peebles, and F. W. Johnson obtained a grant for four hundred leagues, as will later appear. But Chambers declares that Mason also manipulated it to accomplish on a comparatively small scale what Chambers had previously prevented his doing on a very large one. Chambers's statement, in brief, is, that the Indians really were troubling the frontiers and that the law was passed in good faith to provide a means of suppressing them. It was the intention of the law that the land should be distributed to the militia, and not sold, but by a trick in the enrolment of the bill it was so changed as to authorize the governor to sell it to anybody,⁴ and he implies that Mason took it all. Mason did get hold of some land—how much is uncertain—in 1834, under a contract dated June 19, but that it was granted by authority of this law is not clear. Chambers's story of the trick of enrolment, though it is clever and may be true, is, in view of the evidence, somewhat improbable. If the land was to be distributed only to the soldiers, and not sold, what is the meaning of article 3, which appropriates \$20,000 "of the first receipts of the state treasury for sales of lands made by virtue of the law on the subject"? And does not the supplementary law of April 14, 1835, declaring that the governor shall only dispose of the lands for the purpose designated in the original law, suggest the inference that the four hundred leagues had not up to that time been sold at all? The whole matter is extremely confused and the only positive statement that one feels warranted in making, until further evidence develops, is that Mason got a grant in

⁴ Pamphlet of Wm. N. Chambers, 37; Yoakum, *History of Texas*, 1, 321, note. Chambers's own explanation of the trick is as follows: "The article of the decree relating to the subject * * * provided that the troops should be paid, or rewarded, with vacant lands, in the following terms: '*Y para pagar o premiar á los milicianos podra hechar mano de las tierras valdías hasta in cantidad de cuatro cientos sitios, repartiendoselos bajo las reglas y condiciones que establezca.*' These were the terms in which it received the sanction of Congress, and, if it had remained thus expressed, the executive could never had sold the land to speculators. For *repartiendoselos* is a compound word, composed of the participle of the verb *repartir* (to divide among), and the two pronouns *se* and *los*, one of which refers to the land and the other to the troops; making it obligatory upon the executive to *divide the land among the troops*. But the ingenious member caused the pronoun *se*, referring to the troops, to be omitted in engrossing the decree; and it received the sanction of the executive, and was published as a law, with the compound word changed into *repartiendolos*, leaving the executive free to dispose of the four hundred leagues of land, by dividing them out, without determining among whom.

June, 1834, for ninety-five leagues, certainly; probably for three hundred leagues, and possibly for more. He may have obtained it by a manipulation of the law of March 26, or by the law of April 19—though the latter is improbable—or, finally, he may have gotten it by some private arrangement of which we do not know.

The next law in the series, passed March 14, 1835, authorized the governor, in order to meet "the present exigencies of the state," to dispose of the public land to the amount of four hundred leagues. Article 2 allowed him to regulate the colonization of this land on such conditions as he thought proper, "without subjection to the provision of the law of the 26th of March of the year last past." As an afterthought, it occurred to the legislature that this might be interpreted too liberally, and two weeks later (March 30) another decree explained that the governor was, of course, to consider himself "subject to the general laws of the union."

Under this act S. M. Williams and John Durst obtained a hundred and twenty-four leagues, and we have it on the authority of the legislature that other contracts were made for the remainder of the four hundred leagues, but by whom we do not know, since the grants appear never to have been located. Williams and Durst immediately re-sold a hundred and twenty-one leagues of their grant to fourteen persons, mainly in blocks of ten leagues each, which were located principally in the present counties of Harrison, Nacogdoches, and Red River.

The national congress hearing of this law of March 14, annulled it by a decree of April 25. The reason assigned was that the law was contrary in articles 1 and 2 to the national colonization law of August 18, 1824. The decree declared moreover, that "by virtue of the authority reserved to the general congress in article 7 of the law of August 18, 1824, frontier and coast states were forbidden to alienate their vacant lands for colonization until rules could be established to govern the same. In the meantime, if any state wished to sell a part of its vacant domain, it must first secure the approval of the general government, which should in every case have the right to take the land for itself and pay the state a suitable indemnity for it. Therefore, in conformity with articles 3 and 4 of the law of April 6, 1830, the general government might buy from the state of Coahuila and Texas the four hundred leagues of land which it was said to be necessary to sell." Replying, May 13, the legislature expressed its "extreme regret" at the "impossibility of fulfilling the decree of the general congress." Not an article, it declared, in the whole law of August 18, 1824, applied to article 1 of the law in question, and, as regards article 2, the governor had been expressly instructed to guide himself in his rules for the settlement of the lands by the national law. Continuing, the memorial said: "This legislature has read and deliberately weighed the literal text of article 7th of the general law [referred to by the law] of the 25th of April last, and does not find, either in the letter or the spirit of the former, the reasons of the latter for prohibiting the border and literal [littoral] states from alienating their vacant lands for colonizing thereon." The land was already sold and part of the purchase price had been received, the contracts were made in good faith and were not opposed to the general law; therefore the legislature prayed congress to repeal its decree

of April 25. Here the matter rested until the approach of federal troops put the legislature to flight.

In an opinion of some four thousand words David G. Burnet, late in 1835, upheld the right of the general government to annul these sales.

The next and final law of which advantage was taken to sell Texas land was passed April 7, 1835. News had been received that General Cos had ordered troops to march on Monclova and suppress the legislature, and that body forthwith authorized the governor "to take of himself whatever measures he might think proper for securing the public tranquillity and sustaining the authorities in the free exercise of their functions." Article 4 declared that "The executive is hereby competently authorized to contract loans upon the state rents for the purpose of discharging the expense incurred in the execution of this decree." It is somewhat surprising to find that the governor considered this as sufficient authority to dispose of more Texas land. Perhaps he thought that at all times a "proper measure." At any rate, on May 2d, Dr. James Grant was allowed to contract for a quantity of certificates for one league each. One hundred of these he sold in Nacogdoches through his agent, Alexander Newlands, and the titles were issued by John Cameron after the closing of the land offices. Besides these, James Ogilvy, an attorney of New Orleans, wrote in 1839 that Grant's heirs had in their possession three hundred similar certificates, and that he had been interested in five hundred altogether. The face of the certificates shows that the price was paid in full but does not specify what it was. Ogilvy intimates, however, that Grant paid \$100 a league. It is possible that some of the certificates referred to by Ogilvy were purchased under the law of March 14.

Enough has been said to show that the transgression of Williams, Peebles, and Johnson in the final speculation was by no means unique. It was not even novel in its magnitude, though it may have been somewhat original in method. On the 11th of May, 1835, they addressed a note to the governor, saying that they had "informed themselves of the tenor of the law of April 19, 1834, empowering him to dispose of four hundred leagues of land and restrain the arrogance of the wild Indians." We "have conceived the idea," they continued, "of blending the object of this benevolent design with the augmentation of the population by means of a contract, which we offer your Excellency, strictly and literally to fulfill. We obligate ourselves to place, subject to the orders of your Excellency, one thousand able-bodied men, with all their equipments of war for the term of one year, and we will cause them to rendezvous at the place which may be designated to us within the term of four months at most, on the condition that, in compensation for our labors, the four hundred leagues of land be granted to us." The governor approved the proposal, and two days later a formal contract was signed. The petitioners were required to raise by voluntary enlistment within two months five hundred men, and within four months the whole number of one thousand. They were to be provided by the contractors with good arms and an abundance of ammunition at all times; but the government would furnish them food and horses. Article 12 declared that failure to fulfil any of the stipulations would render the whole contract void. No pecuniary consideration is mentioned in the

contract, but it is not certain that the contractors were not also required to pay a nominal sum for their grant. For D. B. Edward declares that "A committee [headed by S. M. Williams] from a company of Land speculators, whose plans were well laid and whose funds were completely organized, presented themselves before this . . . Legislature; who immediately passed a decree to *sell* the vacant lands of Texas, and otherwise arranged it to be done as soon as bidders should present themselves. Of course they were there—and purchased this already surveyed land, of 411 leagues, for 30,000 dollars in hand, to the Government." This statement, with slight variations, appears in most of the subsequent histories of Texas. It may refer to this contract by Williams, Peebles, and Johnson, or to some of the other purchases that were made in 1835. Johnson himself, in a review (MS.) of Edward's *History of Texas*, replied to this charge with an emphatic denial that either he or his associates "bought one acre of land or were in any way interested in the purchase of said land." A natural inference to be drawn from this statement would be that they got no land at all, which, of course, is untrue. To save Johnson's veracity, therefore, the possible explanation presents itself that no money passed in this deal, and that the contractors viewed themselves merely as empresarios, who were to get their premium by selling the lands to militiamen.

Johnson's own account of his presence at Monclova upon this occasion is interesting, but throws little additional light on the land speculations. He says: "Desiring to be present and witness the proceedings of the State Congress, Johnson, with Samuel M. Williams, Doctor Robert Peebles, Major Benjamin F. Smith, Colonel Green DeWitt, together with some Mexican scouts, left in the latter part of 1834 for the seat of government, Monclova, where they arrived in the early part of 1835. . . . [Here] we found Colonel Benjamin R. Milam, Thomas J. Chambers, W. H. Steel, Haden Edwards, Jr., James Carter, and many other colonists. Here Johnson first made the acquaintance of Doctor James Grant, of Parras, Coahuila who was a delegate, Doctor John Cameron, Messrs. Almy and Newlands; also that of David J. Toler, a most estimable gentleman. . . . General John T. Mason, of the United States, arrived about this time for the purpose of having confirmed a sale made by the Legislature or executive the year previous.

"Among the most important acts of this Congress was a decree authorizing the appointment of commissioners for Texas. . . . Under the decree George A. Nixon, George W. Smyth, and Charles S. Taylor, were appointed for Eastern Texas; Colonel Talbot Chambers, for Milam's Colony; Doctor Robert Peebles, for Austin and Williams' upper Colony; and Johnson for Austin and DeWitt's Colony. Bowie was appointed commissioner for General Mason's purchase. The State Treasury *then* being empty, the executive was authorized to sell a large quantity of the public lands of the State to meet the current wants of the government; and another decree [was passed] placing at the disposal of the governor four hundred leagues for frontier defense and protection. These acts gave great offense to the Federal authorities, and the Congress declared them null and void. To this, the state authorities simply protested, and left the matter to take its course, pursuing, however, the policy inaugurated."

News now arrived that troops were marching toward Monclova, and there was a hasty exodus of the Texans and other lobbyists. Williams arrived at Bexar June 3 and Peebles and Johnson reached San Felipe a few days behind him. Williams, as we have already seen, had acquired with John Durst a hundred and twenty-four leagues under the law of March 14, 1835, and apparently devoted himself principally to the sale of that grant, while Peebles and Johnson assumed the task of disposing of the four hundred leagues in which all three were interested. A hundred and twenty-one leagues of the Williams and Durst grant, as has already been shown, were soon sold, and Peebles and Johnson worked with equal celerity. By August 20, certificates had been issued to forty-one persons for the full four hundred leagues. Fifteen of the certificates were issued by Johnson and the remaining twenty-six by Peebles. They merely state that Citizen So and So "has voluntarily entered the service of the state of Coahuila and Texas as a soldier for the term of one year, and Williams, Peebles, and Johnson are by their contract authorized to receive his enlistment and designate a portion of the vacant land as a reward for the services which he will render, therefore they give their consent for him to select for himself such land as he likes—usually ten leagues of it." Their contract to place a thousand men in the field was entirely ignored.

The effect of the speculations upon the Texans must now be briefly noticed. The large grants of 1834 appear not to have attracted particular attention in Texas, but the deals of 1835—especially under the law of March 14—aroused great indignation. Little authority appears, however, for the statement frequently met with in the histories of Texas, that the legislature thought the separation of Coahuila and Texas imminent and determined to plunder the latter while there was yet time. The earliest expression of this theory is in a pamphlet printed by T. J. Chambers in 1837, but in all the discussions aroused by the act of March 14, 1835, this explanation is absent. Austin, indeed, writing to D. C. Barrett, December 3, 1835, declared the acts of 1834 and 1835 all of a piece with general Mexican policy, both national and state. The Mexicans, he said, considered the lands valueless—this was evidenced by the whole history of the colonization period,—the treasury was empty, and the sale of the land promised the only relief. He blamed neither the legislators nor the speculators for the sale itself, but the sale certainly did illustrate the defectiveness of the government from the Texan point of view.

The earliest expression of disgust with the wasteful policy of the government is found in *The Texas Republican* of May 9, 1835. An address from Governor Viesca, calling upon the people of Texas to rally to his assistance against Santa Anna, was printed in this issue, and the editor introduces it with the remark that he prints it as a news item solely, and not with the view of endorsing the governor's call for troops "to sustain him and a vile congress that have bartered our public lands for a mere song." In the same paper is also the answer of the political chief of the Brazos department to the governor's appeal. He says: "The people view with equal horror and indignation the acts of the present State Congress who have manifested a determined disposition to alienate all the most valuable lands of Texas at a shameful sacrifice,

and thereby utterly ruin her future prospects. The law of the 14th of March past is looked upon as the death-blow to this rising country. In violation of the General Constitution and laws of the Nation—in violation of good faith and the most sacred guarantees—Congress has trampled upon the rights of the people and the Government, in selling *four hundred leagues* of land at private sale, at a price far below its value; thereby creating a monopoly contrary to law and the true interests of the country.” Accompanying the governor’s proclamation was a rather alarmist postscript signed by *Coahuiltecanus*, and Henry Austin, in referring to it, suggested that “this firebrand has been thrown among us *to promote the views of designing speculators.*”

Further details of the indignation aroused in Texas by the land speculations will be given later. Enough has been said to show that General Cos ran little risk of antagonizing the average citizen when he explained that his object in marching against Monclova was to enforce recognition of the federal decree annulling the most objectionable of these land laws. But, as has already been intimated, Cos was probably more concerned about the protest which the legislature made against changes in the constitution and against a federal law reducing the strength of the militia.

The memorial of April 22 deprecated the unfortunate policy from which Mexico had suffered so much in trying to mend one revolution by another, summarized the changes wrought under pretext of the Plan of Cuernavaca, and asked, “If this alone caused a general and simultaneous movement throughout the republic, what may be expected from the violent reforms that now occupy the attention of your honorable body?” The manner in which it was proposed to effect these reforms had especially attracted the attention of the legislature. That body represented a people “proud of having always sustained the immutability of the fundamental principles of the constitution,” and “it would be wanting in its most sacred duty were it to refrain from manifesting . . . its ardent desires for their preservation and its determination firmly to sustain them.” “For effecting these reforms, ideas and opinions have been advanced in your honorable body,” it proceeded, “as unreasonable as if the present general congress considered itself possessed of unlimited power to alter the constitution.” In fact, however, Congress had no other power than certain articles of that same constitution delegated to it, “Therefore, the state of Coahuila and Texas, lawfully represented by its legislature, protests in the most solemn manner that, having joined in the confederacy by virtue of the fundamental pact, and on the basis therein established, it neither does, or ever will, recognize the acts and measures emanating from the general congress, should they not conform to the plain meaning of the aforementioned articles: It will admit no other amendments of the constitution than those effected conformably to the steps and requisites provided in the same.” It pointed out that a portion of the state was settled by inhabitants whom the policy of change did not suit, and that “the contemplated reforms would highly compromit not only the internal order and tranquility, but also the very integrity of the national territory.” The unwise policy of abolishing the militia was condemned, as was also the president’s expedition against the patriotic state of

Zacatecas, when he ought rather to have been suppressing the revolution of Alvarez in the South; and finally attention was turned to General Cos, who, it was declared, was interfering "in the most turbulent manner in the internal administration of the state," and was approaching the capital with the evident intention of "overawing the civil authorities."

Following the memorial a resolution was adopted asking for the repeal of the law abolishing the militia:

"This body would fail in its duty were it to be indifferent to the serious evils that the fulfillment of that decree would cause to the entire nation and to the state it represents.

"Coahuila and Texas suffers a cruel and desolating Indian war. The garrisons destined to pursue and chastise the savages, besides being incapable of acting, from absolute neglect, are separated from the purpose for which they were established at the pleasure and caprice of the general commandants, who withdraw them from the frontier when they choose, as is actually the case in this state, in which the commandant Don Martin Perfecto de Cos has considered it more proper and beneficial to coerce the supreme authorities, and favor the disturbances of one town, than to pursue the savages, although they are destroying the lives and property of the citizens.

"In so perplexed and difficult a state of affairs, can the congress of Coahuila and Texas be desired not to remonstrate on seeing the civic militia disappear, its sole support and defence—the only force that can apply itself to the preservation of order, and support of the laws? What would be its condition in such an event? The most deplorable and abject that could occur.

"The cause of the revolutions we have suffered is in vain imputed to the militia. Recourse has been had to this as a pretext for impugning the militia, but it is impossible not to know and to discern that they have all been occasioned by the standing army. We should remember that in Guanajuato the institutions were saved by the civic militia.

"The congress of the state of Zacatecas, in the exposition it directed to your honorable body, on the 7th instant, completely refutes all the artifice that has been resorted to against the national local militia, clearly manifesting the propriety of its conduct, the necessity of its existence, and that it has not caused the evils which the enemies of liberty have been willing to suppose.

"The state of Coahuila and Texas being of the same opinion, and in the situation above represented, supports the aforementioned exposition in all its parts, and requests that your honorable body will revoke the decree diminishing the civic militia in the states.

"The well known wisdom of the national representatives induces the belief that the remonstrances of this legislature will be dispassionately heard, and that, in consideration of the public good, the revocation it requests will be enacted."

On the assembling of this legislature (March 1, 1835) a canvass of the vote for governor had shown the election of Augustin Viesca. Neither he nor the vice-governor, Ramón Musquiz, was present, and the resignation of Elguezabal, the military officer who had been invested with the office since August, 1834, made it necessary to appoint an

acting governor. José M. Cantu was selected for the place, which he held until Viesca was inaugurated about April 15. One of Viesca's first acts was to call for a hundred militiamen from each of the departments of Texas to help sustain the government, but it met with no response. The Anglo-American departments of Nacogdoches and the Brazos were angry over the land speculations and Colonel Ugartechea succeeded in preventing the militia of Bexar from marching.

In the meantime Cos was pushing forward with his plan of crushing the state government. On March 10, 1835, he wrote to the commanders of the garrisons at Laredo, Santa Rosa, and Rio Grande that he had learned that the state authorities intended "to attract the attention of the supreme government by proclaiming anarchy in imitation of the state of Zacatecas," and he instructed them to arrest any of the officials or legislators who might attempt to cross the frontier. The next day he wrote Ugartechea at Bexar: "The legislature at Monclova has determined to imitate Zacatecas. It has called for civic troops on the specious pretext of reducing the department of Saltillo, thus contravening the law of March 31 last" for abolishing the militia. The legislature adjourned on May 21, after passing a decree authorizing the governor to shift the government to a safer place. The Texans at Monclova persuaded Governor Viesca to establish the capital at Bexar, and with them and a body of militia he began the march on May 25. Johnson's account is available for what followed:

"The party was detained for several days in consequence of Colonel James Bowie having been despatched to Matamoras by General John T. Mason for money to make a payment on the four hundred leagues he had purchased of the state. On the return of Colonel Bowie the camp was broken up, and the several parties set out on their journey. Governor Viesca, accompanied by Colonel Benjamin R. Milam and Dr. James Grant,—not John Cameron, who had left Monclova before the adjournment—set out for Texas, intending to avoid the several crossings on the Rio Grande which were known to be guarded. A few days after their leaving the rancho, they were arrested by some of Cos's troops and taken to Monterey, where they remained some time. In pursuance of orders of the national authorities, Viesca and Grant were sent under guard to the capital. However, on the way, at Paso del Rinconada on the Saltillo road, they were overtaken by Colonel Gonzales with a republican force, who overpowered the guard, released the prisoners, and conducted them into Texas. Milam, who had acquaintances and friends in Monterey, where he was left a prisoner, soon got the friendship of the guards, by whom he was allowed privileges not usually allowed a state prisoner. Through his friends he made necessary arrangements to escape. He had for some time been allowed, unaccompanied by his guards, to go to the river and bathe. All things being made ready, he made his escape and reached Texas some time before his friends, Viesca and Grant.

"A short time before the adjournment of the legislature, Dr. Robert Peebles, who was in attendance in the legislature, left for his home in Texas; where he arrived unmolested. Samuel M. Williams, John K. Allen, and A. J. Yates started in advance of the Texas party, but on their arrival at Presidio they were stopped by Captain Barragan, com-

mander of that fort, he having received orders to stop the Texans and others of the governor's party. Williams, however, succeeded in getting the permission of Barragan to proceed on his journey accompanied by a Mexican servant. Williams made good time, and not wishing to encounter the military at San Antonio de Bexar, which was on his direct route to San Felipe de Austin, his home, he gave that place a wide berth. However, in this connection, we will mention the case of Hon. John Durst, of Nacogdoches, and a deputy of the legislature. The time being fixed for adjournment, Durst, smelling danger afar, took time by the forelock and left, and made the best time to Nacogdoches on record.

"We will now return to the main party of Texans at the *rancho Hermanos*. Before leaving there James Carter, who had accompanied Williams, Allen, and Yates to Presidio, returned and informed the party of the state of affairs; and said that Allen and Yates requested him to say that the party ought not to separate, but to come in together; that at farthest, the detention would only be for a few days. Almy of Parras, Coahuila, and F. W. Johnson of San Felipe de Austin, Texas, not being willing to be detained at all, determined to seek an unguarded crossing of the Rio Grande and wend their way to Texas. This resolution they made known to their companions, who determined to proceed to Presidio, and all set forward. Almy and Johnson, with a Mexican servant, made their way to the *hacienda* of Madero, whose widow received them kindly and treated them hospitably. The main party in the meantime had reached Presidio, where they gave notice of Almy's and Johnson's separation from them. Barragan immediately dispatched an officer and squad of men in search of Almy and Johnson, with orders to bring them to Presidio.

"About the middle of the afternoon Almy and Johnson arrived at the rancho of Mrs. Madero, and while enjoying the good things prepared by that kind and amiable lady, Barragan's officer and soldiers rode up, and enquired if there were any *Americanos* there; being answered that there were two, the officer requested the lady to inform them that he wished to see them. Almy and Johnson went out to the gate of a strong stone wall that enclosed the buildings and yard, in which were the animals of Almy and Johnson. The officer made known his business, and requested them to prepare to accompany him. To this they replied that they would do so the next morning. He insisted on their leaving at once, but they positively refused, telling him that he could encamp his men at a small stream close at hand. Finding the gate well armed he did not attempt to force an entrance, and agreed to wait until the next morning. With this understanding he encamped his men; and, by invitation, paid them a visit, partook of their liquor, coffee, and cakes, and returned well pleased to the camp.

"The next morning at an early hour the party set forward for Presidio. The officer was polite and kind. When the party stopped for dinner, the officer by invitation, dined with Almy and Johnson. On their arrival at Presidio, about the middle of the afternoon, they were welcomed by their friends, who were quartered in a large building, in the yard of which their animals were kept. Though detained, they had not been disarmed, and were at liberty to go through the town. That evening Hon. J. M. Carbajal and Captain Juan N. Seguin arrived.

Captain Seguin, on the call of the governor for troops, had raised a company in San Antonio de Bexar and vicinity, and marched to Monclova. The arrival of Carbajal and Seguin with his company, was quite an addition to the Texan party. Carbajal and Seguin called upon the Texans, most of whom they were acquainted with. Johnson suggested to them a plan for getting away, peaceably if they could, but forcibly if they must, and requested them to meet there the next day.

"Accordingly the next day, Carbajal and Seguin came to the quarters of the Texans and informed them that the sentinel of the small garrison was a kinsman of one of them and, when requested, would give the countersign by which the Texans could capture the garrison without bloodshed or the fire of a gun. This was welcome news, for the Texans did not wish to resort to force. It was then settled that on the night of the next day the garrison should be taken, and the party proceed on their way to Texas. The next morning, Captain Barragan visited the Texans and informed them that they were at liberty to proceed on their journey whenever they thought proper. This was a welcome surprise. Why he thus consented to their departure cannot satisfactorily be explained. The fact of the friendly intercourse between his troops and those of Seguin, and the news of the capture of the governor and party, and that of several of the deputies of the state legislature, may have influenced him.

"Preparations were at once made for a departure; but before they were completed Francisco, the Mexican servant who had accompanied Williams to San Felipe de Austin, and where Williams and Johnson had employed him to go with them to Monclova, sought an opportunity and handed Johnson a slip of paper, which he had concealed between the soles of one of his shoes; on examining it Johnson found it to be from Williams, who informed him of his safe arrival at home. Knowing Francisco to be faithful, and having no servant Johnson induced Francisco to go with him to Bexar. That evening the Texan party took leave of Captain Barragan, and went on their way rejoicing. They camped at a water hole east of the Rio Grande. From thence to San Antonio de Bexar neither accident nor incident occurred worthy of note. On their arrival in that ancient and historic town they were welcomed by their friends and the citizens generally. Here they remained several days. Colonel Domingo Ugartechea, a gentleman and soldier, the commandant of that place, did not interfere with them or intimate that he had orders from the commanding general to do so. After resting and refreshing themselves, the party proceeded on to San Felipe de Austin.

"On reaching San Felipe, we learned that the colonists were both excited and alarmed by the political state of things in Mexico, and divided in opinion in regard as to the course that should be pursued. Our report and representation greatly increased the excitement if it did not tend to cause a greater diversity of opinions. Public meetings were held and various propositions made; among which was one to raise an armed force and rescue the governor and his companions, who were known to be imprisoned. Considerable prejudice was created in the minds of the colonists in consequence of the large sales of the public domain in Texas, and but little sympathy was felt for the state author-

ities. The people were soon divided into two distinct and separate parties—the *peace* and *war* parties.”

“Yoakum says of Governor Viesca and Vice-Governor Ramón Musquiz: ‘It may be stated in advance, that, however patriotic these gentlemen assumed to be, they were men of easy virtue; and, in escaping from under the ruins of a falling government, they managed to carry off more plunder than belonged to them.’ This charge against Governor Viesca and Vice-Governor Musquiz is gratuitous, to say the least. Without entering the lists as the defender of these gentlemen, we cannot in strictness of truth and even-handed justice permit this slander to go unnoticed. In the first place, both were regarded and known to be gentlemen; if Viesca, in leaving Monclova, ‘carried off more plunder than belonged to him,’ which is untrue, he would have been despoiled of his ill-gotten gains by the military who arrested and imprisoned him. As to his installation, it occurred a few days after the meeting of the legislature. Of Musquiz it is sufficient to say that he did not attend the session. The writer knew both gentlemen, the latter for years, and was present during the session in question, and with other colonists accompanied the governor and party until it was determined to disband.”

General Cos appointed José M. Falcon provisional governor, but shortly afterward replaced him with Rafael Eca y Musquiz. The Texans had no respect for the state government, but its overthrow by federal troops helped to bring home to them the danger that threatened from Santa Anna’s machinations. In general they refused to recognize the military government established by Cos, and considered the state entirely without a civil head.

CHAPTER XI

THE FIRST CLASH ¹

As we have seen, one of the measures that Santa Anna proposed in both of the conferences that he held with Austin concerning Texas—in November, 1833, and October, 1834—was to send enough soldiers to Texas to protect the colonists from the Indians. At the second conference he proposed specifically to send to the province four thousand infantry, cavalry, and artillery. The first step toward carrying out this program was the appointment of General Martin Perfecto de Cos Commander of the Eastern Internal Provinces, in October, 1834, in place of Colonel Pedro Lemus. The next was the arrival of Colonel Domingo de Ugartechea at Bexar, December, 1834, to become "principal military commandant of Coahuila and Texas."

Ugartechea immediately began calling on Cos for reinforcements and for money and supplies. Cos was anxious to respond, but the disturbed condition of Mexico, the insurrection in Zacatecas, and the threatening outlook elsewhere made it difficult to find troops for a distant province like Texas. On December 28, 1834, he wrote Ugartechea from Matamoras that Captain Antonio Tenorio would sail in a few days with forty men to garrison the customhouse at Anahuac; and February 23, 1835, he wrote that the battalion of Morelos, five hundred strong, would embark for Copano about the first of April. Tenorio duly arrived at Anahuac in January, but the Morelos battalion was delayed so that it only embarked on July 4, and it had then shrunk from five hundred to a mere handful. In the meantime, however, other reinforcements were reaching San Antonio from Lampasos, Nuevo León, and Agua Verde.

Pending the actual arrival of reinforcements at San Antonio, Cos tried to encourage Ugartechea by telling him what the government intended to do in Texas as soon as conditions were more tranquil in Mexico. On May 4 he quoted a letter from the minister of war and marine, dated April 14, which said: "The supreme government is seriously occupying itself with sending a strong expedition to regulate the affairs of Texas. This will take place as soon as the disturbances of Zacatecas are terminated." On May 20 he quoted another letter saying that at least two thousand men would be sent "to settle the affairs of Texas."

The demands of Ugartechea for reinforcements and the expressed

¹ This chapter is contributed by the editor. In its preparation the various collections accessible in Austin have been drawn upon, and use has been made of an article published by the editor in *The Quarterly* of the Texas State Historical, January, 1901.

intention of the government to send a large force to Texas were not lost on the colonists. They were very much opposed to having garrisons established in Texas, and at the same time they distrusted Santa Anna's motives. They believed that his avowed purpose of protecting the settlements from the Indians was merely a pretext; that he really wished to get possession of the province, under this benevolent excuse, to prevent opposition to his plan of establishing a centralized government in Mexico. They began defensive preparations, and these naturally increased the fears of Ugartechea and caused him to redouble his pleas for reinforcement. Cos issued proclamations saying that the troops destined for Texas had no hostile object, but the colonists did not believe him. In turn, the colonists declared that they were loyal citizens of Mexico, willing and anxious to perform their duty as such, but Cos probably could not have believed them if he had tried. The distrust was mutual, racial, and probably inevitable and ineradicable.

As a companion measure to the establishment of the garrisons in Texas it was the plan of the government to re-establish the customhouse. Colonel Almonte estimated the value of contraband trade through Texas in 1834 at two hundred and seventy thousand dollars, and Ugartechea wrote Cos on December 11, 1834, that the smuggling going on through the ports of Galveston, Brazoria, and the mouth of the San Bernard River was greater than the importations through Matamoras. In fact, merchants of Tamaulipas, Nuevo León, Coahuila, and Chihuahua who ordinarily imported through Matamoras or Tampico now frequently got their goods through these Texas ports duty free.

With Tenorio, in January, 1835, came a collector and several deputies to resuscitate the customhouse at Galveston, or Anahuac. The collector, José Gonzalez, stopped at Brazoria, and made some effort to establish an office there, but in April he moved down the Brazos to Velasco and is said to have collected there for a time tonnage duties on vessels entering the river. Deputies Martin de Alegria and Gil Hernandez accompanied the soldiers, and established themselves at Anahuac—Tenorio explained that there were no buildings at Galveston, and that he thought it best to go on to Anahuac, where his detachment could find convenient quarters. At the same time it must be remembered that the customhouse at Matagorda was already in operation, its proceeds being devoted to the maintenance of the soldiers at Goliad and San Antonio.

Anahuac was the principal port of the department of Nacogdoches, whose imports Almonte valued in 1834 at two hundred and sixty-five thousand dollars. For some time after the departure of Bradburn's garrison in 1832 the customhouse had been maintained by Sergeant Juan Cortina, but it was declared in 1835 that no duties had been collected there for several years. The settlers of that section retained unpleasant memories of Mexican soldiery, and they further resented the re-establishment of the customhouse, so that from the beginning Tenorio's path was strewn with thorns. At first, however, his difficulties were due rather to deficient equipment than to colonial opposition. He complained that his force was too small "to compel respect for the national honor," that he could not prevent smuggling because he had no small boats, that he had no cavalry to use for couriers, and

that the uncertainty of the mail service between San Antonio and Nacogdoches left him almost entirely isolated. By the middle of March his supplies were almost exhausted, and the merchants of Anahuac refused to make advances because, as Tenorio said, they "justly feared" that the government would not repay them. Moreover, the force that he had was only partially armed. An inventory of April 23, 1835, showed "in good condition:" twenty muskets, twenty-nine bayonets, five short carbines, fifty flints, and three hundred cartridges; "semi-useless," six muskets, twenty flints, and ninety cartridges; "useless," three muskets and two carbines. Finally the hardships of the garrison began to tell on the morale of the soldiers. Two of them went into the pay of the enemy, informing them of everything that went on in the quarters, and trying to induce their comrades to desert. Under their persuasions several of the soldiers did desert—five at one time, and others in smaller numbers—and Tenorio complained bitterly that not only would the civil authorities not help him to recover them, but that they actually had furnished them passports through the colonies.

On May 1 Tenorio was temporarily encouraged by the arrival of Lieutenant Ignacio Duran with nine men to reinforce the garrison, some muskets and ammunition, and \$2,310 to pay the troops, but his satisfaction was short-lived.

For a time the discomforts of the garrison were due mainly to the original lack of equipment and to subsequent neglect by the government; while the semi-passive hostility of the colonists had been only a vague cause of uneasiness in the background. Some of the colonists for a time paid the duties levied on their goods; others promised to pay and often never redeemed their pledge; while still others were considerate enough to bring in their cargoes under cover of night without disturbing the officers, and thus there was no occasion for friction. But in this arrangement lay the seed of discord. Those who paid began to murmur that the illicit trade of their less conscientious neighbors should be suppressed, and the latter probably grew envious of those fortunate individuals whose credit was good at the customhouse and who were thereby enabled to introduce their merchandise free, without undergoing the inconvenience of smuggling. The result was that many soon refused openly to pay duties at all.

The discontent of the colonists was increased, too, from the fact that the revenue laws were not enforced consistently in different parts of the same section. While Gonzales at Velasco was collecting only tonnage duties, Alegria and Hernandez at Anahuac were enforcing the tariff to its fullest extent. The opposition of the merchants of Anahuac had reached such a point by the middle of April as to induce the loyal ayuntamiento of Liberty to issue a proclamation (April 17) informing "all the good citizens of this Jurisdiction that a proper obedience to the Laws is the first duty of a good citizen," and that "the revenue laws like all other political laws are to be respected by those who come within the legitimate scope of their action." The ayuntamiento was of the opinion that the tariff was "disproportionate in some particulars and oppressive in others," and stood in "great need of modification;" but thought this modification could only be effected by the national Con-

gress, and in the meantime urged all good citizens to observe, and all military officers to enforce the revenue laws.

This document, which is given in full below, was erroneously printed in Edward's history of Texas in 1836 under date of June 1, and succeeding historians have followed Edward. The present copy is taken from *The Texas Republican* of May 30, 1835. It was no doubt mainly the work of John A. Williams, the alcalde and president of the ayuntamiento.

"DEPARTMENT OF NACOGDOCHES, Jurisdiction of Liberty.

"We the members of the Ayuntamiento of Liberty having been informed of the difficulties existing between some merchants and the Collector of the Maritime Custom House at Galveston in relation to the collection of duties imposed on foreign wares, goods and merchandise, and being desirous to put a speedy period to these dissensions, we have therefore, in conformity to the 156th article of the state constitution thought proper to issue this manifesto, indicating to all the good people of this Jurisdiction that a proper obedience to the Laws is the first duty of a good citizen, that every Nation enjoys the undoubted right to establish its own system of revenue, that the *revenue* laws, like all other political laws, are to be respected by those who come within the legitimate scope of their action, and although these laws may be unwise yet to resist them by force is more unwise and illtimed than the laws themselves: Besides it would be criminal. If a few individuals forcibly oppose the collection of the *customs* what will be its tendency? Will not others fall in their train? which, if continued, will ultimately produce a state of things the injurious consequences of which are incalculable.

"It is not our business to estimate the intrinsic justice or injustice of our system of import duties, yet we might be permitted to give our decided opinion that when applied to the peculiar condition of these Colonists they are disproportionate in some particulars and oppressive in others and stand in great need of modification. But this modification is only to be effected by the national Congress. Our murmuring at home or wrangling with the Collector serves only to fan the flame and augment the difficulties in obtaining the much desired modification of the tariff. The Mexican Congress can have *no motive* in oppressing the Mexican Citizens with burdensome imposts, nor do we believe that they desire it; yet we believe that the enormous duty on a few indispensable articles and the prohibition of others of equal importance to our well being, has a very pernicious tendency, when applied to those who have recently settled here under the colonization law at a time when the great scarcity of the essential means of subsistence (saying nothing about the luxuries of life) is the unavoidable consequence of the great influx of population and which alarming scarcity must continue to increase until the contracts of *colonization* be filled and until the new Colonists have sufficient time to put their land in a proper state of cultivation. If the general Congress were memorialized on this subject in a proper and respectful manner we have no reason to doubt that they would apply the proper remedy. This measure should be adopted without delay, to which we would with pleasure tend our hearty co-operation. In the meantime let us abandon the introduction

of foreign articles burdened with heavy duties and those that are prohibited, let us endeavor to do without them, and depend for a time on our own resources.

"This is more praiseworthy, more patriotic than any recourse to arbitrary measures. We are well aware that the great body of the people in this municipality are too sensible of their duty and allegiance to the republic of Mexico to be precipitately drawn into collision with its constitutional authorities. But perfect subordination extends to something more than to the upright conduct of the citizens; the respectful deportment of strangers who are not citizens and their obedience to the laws are included. This is the only condition upon which they are permitted to enter our territory or remain within its limits. The subject of having duties or prohibiting Statutes are matters about which they have no right to interfere. Every intelligent merchant before he enters into Foreign commerce takes care to inform himself of the particular Laws of the place to which he intends to trade; he ought to know the customs due on importations and exportations, what goods are admissible and what prohibited, according to the usages of the tariff and the regulations of the place to which he extends his trade.

"If he blindly participates [precipitates] himself into difficulties for want of that necessary information which he might have had and gets his cargo seized for violation of the prohibitory law, which he as a merchant is *presumed* to know, what reason has he to complain, the fault is his own, the plea of ignorance will not avail him, he only suffers the penalty of his temerity; to resort to force would only augment the mischief, and all those who might be drawn into the affair would incur heavy penalties. This Ayuntamiento therefore, with great solicitude, caution all persons against using any force, violent threats, or illegal means, aiding or assisting those who may use force, violent or illegal means against the Collector of the maritime customs of Galveston, in the discharge of his official *duties* or against any of his officers, or other persons lawfully employed in the custom house department, and we call upon all officers, both civil and military, to lend their aid if required to sustain the revenue officers residing at Galveston and Anahuac in discharging their respective official duties; and we moreover enjoin it as a duty incumbent upon the Commisaries and other officers of Police of this municipality to use their best exertions to suppress all mobs, riots, threats or other disorderly conduct against the good order and public tranquility, or against any of the public functionaries or other individuals of this municipality, and to give timely notice of any such mal-conduct, together with the names of those who may be engaged therein to the competent authorities. Ordered that a copy of the foregoing be served on the Comisaries of Anahuac, that a copy be furnished to the Collector for the Custom house at Galveston, that another be sent to the editor of the *Texas Republican*, for publication, and that a copy be posted up at the Court house door at this place.

"Done in the town of Liberty, this 17th April, 1835.

"JOHN WILLIAMS, *President*.

"N. DUNCAN, *1st Regidor*.

"H. B. JOHNSON, *2nd do*.

"J. N. MORELAND, *Member and Citizen*."

Whatever the discontented tax payers may have thought of the ayuntamiento's appeal for obedience to the laws, the suggestion that the laws might be modified by a petition to the government seemed worth trying. On May 4 some twenty or twenty-five men gathered at the house of Benjamin Freeman and framed a memorial to the governor of the state, asking him to intercede with Congress for a remission of the tariff in Texas. They gave as their reason for this request, "That for several years past no duties have been demanded in any part of these colonies, and even now none are demanded at any port but that of Galveston; that this Jurisdiction is the poorest and least improved of any in all Texas; that though any part of these colonies are too poor to pay the regular duties according to the Mexican Tariff, this is the least able of any. . . . And though they have so patiently submitted for so long a time to this injustice, they have at length resolved to pay no more till custom houses shall be organized and duties collected throughout all the other parts of these colonies. . . . The poverty of the citizens of these colonies, and of this Jurisdiction in particular, their increasing population, the scarcity of provisions in the country, and the difficulty of securing supplies make it absolutely necessary that all kinds of provisions and groceries, and all other articles of absolute necessity, should be imported duty free, it being impossible to procure these things in a Mexican market, a sufficiency not being made in this country, and there being an insufficiency of money in the country to pay the duty on half the articles of absolute necessity to the existence of these colonies."

The formal resolutions of the meeting, which were to accompany the memorial to the governor, recited that "whereas there is no Custom House organized in any other part of the colonies of Texas, nor any duty upon importations collected, and whereas duties have been collected here for the last three months, this being the poorest part of a poor country, there being an insufficiency of money to pay the duties on what importations have been made, trade every day decreasing, . . . Therefore:

"Resolved, that the proceedings of the individuals claiming to be Custom House officers at this place have neither been reasonable, just, or regularly legal; it being unreasonable and unjust to demand the whole duties of one small settlement, while the whole coast and border besides is free and open; and illegal because they have never presented themselves or their credentials to the civil authorities for their recognition, nor have the said authorities ever been notified by the Government that any such officers have been appointed for this port.

"Resolved, that the country as we believe is not able to pay the regular duties according to the regulations of the General Tariff. Therefore it is resolved that we send to the Political Chief of this department, by him to be forwarded to the Governor of the state, the foregoing memorial expressive of our opinion with regard to the situation of this part of the country and its inability to comply with the Tariff law, and praying him to intercede with the General Government for an exemption for these colonies for five or six years from the restrictions upon commerce imposed by the General Tariff.

"Resolved, that until the object of the preceding resolution can be

carried into effect, no duties should be collected in this port unless the collection is also equally enforced throughout the province, nor until then will we pay any duties on importations into this port."

William Hardin was chairman of this meeting and J. N. Moreland, who had signed the manifesto of the ayuntamiento of Liberty, was secretary. It is worthy of noting that while the ayuntamiento recommended non-importation until the laws were amended, the Anahuac meeting ignored this suggestion and resolved to pay no duties until collections were equally enforced throughout the country. The proceedings of this meeting are chiefly important for their expression of opinion, for it seems that the documents were never forwarded to the authorities. Andrew Briscoe, a leading member of the meeting, later explained that the chairman departed for the United States immediately after the meeting without signing the resolutions, and that they were never sent. Nevertheless the collector and all his deputies abandoned Anahuac on May 9, five days after the meeting.

There was a strong hint in the manifesto of the ayuntamiento of Liberty that the malcontents were foreigners, and not citizens of Texas; and a public meeting of the people of Columbia on June 28 condemned the resolutions just given as the work of foreigners. Briscoe replied to this in *The Texas Republican* of August 8, 1835, by saying that all those who participated in the Anahuac meeting of May 4 were citizens except two, and that these two owned land in Texas and intended to become citizens.

After the abandonment of his post by Gonzalez, Tenorio exercised the duties of collector for a time—without authority, as he himself admitted, but he thought it would establish a disastrous precedent to allow ships to land their cargoes without any attempt to collect the duties, and felt that the end justified the means. He must have been soon relieved by an authorized collector, however, for he tells us that on the eleventh of June the collector asked him for a guard of four soldiers and a corporal, giving as his reason for the request that Mr. Briscoe was going to call during the day to pay some duties he owed and might attack the office.

"The office received no insult" on this occasion, writes Tenorio, but on the "night of the 12th the same Mr. Briscoe took from his house a box, and went to the sea shore to embark it; but the collector and the guard also went to the sea shore, and when they tried to arrest Briscoe and two other Americans they resisted with arms, and one of them—named Smith—was shot and wounded by one of the soldiers. . . . Mr. Briscoe was simply making fun of the collector with all this business, for when the box was opened, it was found to be full of mere rubbish." To Tenorio this seemed a maliciously planned joke, but the account of DeWitt Clinton Harris, one of the "two other Americans" with Briscoe, gives another view of it.

Harris says: . . . "About eight o'clock a young man came to the store and asked Briscoe for a box to put ballast in; this Mr. Briscoe gave him, and he placed it in a wheelbarrow filled with brick and started for the beach; after he left the store I observed to Mr. Briscoe that we could now ascertain whether my goods would be stopped or not. Shortly after, we heard the young man calling for Mr.

Smith, the interpreter. Mr. Briscoe and I then walked up to the young man, and found that he had been stopped by the guard. Mr. Smith soon came up and informed the guard of the contents of the box; this appeared to satisfy him, and the box was taken to the beach, Mr. Briscoe and I going with the young man. After the box was put in the boat and we were about returning, ten or twelve Mexican soldiers came on us and ordered us to stand. Mr. Briscoe and I were taken prisoners. As we were ascending the bank a young man named Wm. Smith came down the hill, and when within ten feet of us was shot down. . . . Mr. Briscoe and I were then put in the calaboose, where I remained until next day at 11 o'clock, when I was liberated, Briscoe still being detained." On his return to Harrisburg, Harris sent a report of this trouble to San Felipe, and his statement, together with other events which soon occurred there, hastened the climax of Tenorio's difficulties.

News of this affair reached San Felipe at an interesting conjuncture. The Texans who had been in Monclova during the session of the legislature had just returned and reported the dispersion of the legislature and the arrest of the governor, along with numerous rumors of the unpleasant designs that Santa Anna had upon Texas. Then, on the afternoon of June 21, a courier arrived from General Cos with a letter for the political chief, Dr. J. B. Miller. This letter, written from Matamoras on June 12, notified the political chief of the arrest of the governor and requested him, pending the appointment of new officials, to "take special care of the administration and internal order" of his department. In doing this he was to subject himself to the laws of the state "without making any innovations whatever. Nevertheless, your honor will dictate such measures as are in your power, to prevent under any circumstances a disturbance of the tranquillity of the department, placing yourself for that purpose in communication with the nearest military chief, who will afford you every assistance."

As we have seen, the mass of the colonists felt no particular resentment at the dissolution of the state government, and Cos's letter was not necessarily alarming. It has long ago appeared from this narrative, however, that there was a small party in Texas ready to make the most of any occasion for friction with Mexico, and some members of this party now determined to search the courier who brought the letter to the political chief and see what else he had in his pack. He tried to save his dispatches by secretly passing them to a friendly American, but this movement was detected and they were soon in the possession of the enemy.

The package was found to contain several letters to Captain Tenorio at Anahuac. One from Cos, dated at Matamoras on May 26, acknowledged the receipt of letters from Tenorio of May 2 and 4 complaining of the "impudence" of some Texans who appeared "to have persuaded themselves that the ports of the republic were exclusively for the purpose of carrying on a criminal and clandestine commerce." Cos said that he had forwarded the letters to the government with others of his own urging strong measures to enforce upon the Texans obedience to the law. He had no doubt that the government would attend to the matter with the promptness which its importance demanded, and in the

meantime he had ordered the Morelos battalion to Copano, whence it could be distributed through the province as needed. "You will operate in every case," said Cos, "with extreme prudence, but if by any fatality the public order should be overturned, you are to proceed without any deliberation against whomsoever may occasion it; without permitting for any cause the national arms to be tarnished." There were two letters from familiar friends assuring Tenorio that he was soon to receive strong reinforcement; and a letter from Ugartechea at San Antonio dated June 20. Ugartechea said: "In a very short time the affairs of Texas will be definitely settled, for which purpose the government has ordered to take up the line of march a strong division composed of the troops which were in Zacatecas, and which are now in Saltillo. . . . These revolutionists will be ground down, and it appears to me we shall soon see each other, since the government takes their matters in hand."

The first fruit of these disclosures at San Felipe was a proclamation the same day (June 21) from the political chief, Dr. J. B. Miller, to the people of his department. It was his duty, he said, to inform the people of the critical situation in which their constitutional rights were placed by the usurpations of the military authorities; and after enumerating some of the recent encroachments upon the constitution, he asked: "Are you prepared to receive such a government as it may please the Commandant General Cos and his masters to give you and again receive a military officer as your governor; or will you support and maintain the officer your own voluntary vote placed in office and who now lies in prison on account of the vote made in his favor. I think by the feelings which I have that I can answer, you will never submit tamely to such a course. The object is to establish the Supreme Executive authority of the State in Texas. This is highly important and it behooves every man to strain every nerve to accomplish so desired an object, and in obedience to the orders we have received, to turn out immediately, ORGANIZE, and march to his relief, and bring him to a place of safety in this favored Texas; . . . You will march to this place as soon as possible and wait for further orders."

The next result of the intercepted correspondence was a public meeting at San Felipe on June 22, presided over by R. M. Williamson, which issued an address to the citizens of Coahuila and Texas rallying them to the support of "Liberty, the Constitution, and Federation." The jurisdiction of San Felipe grieved to see that "the hopes of patriots and the lively desires of a numerous people, scarcely free from the horrible bond that subjected them to the Spanish government, are frustrated so abruptly and unexpectedly, and that a system equally despotic is imposed upon them anew." For a long time the people of Texas had been convinced that the government was tending toward the destruction of the constitution; but "being such recent settlers, and citizens only by adoption, taught since childhood to reverence and respect the national legislation," they had looked in silence upon unjustifiable and dangerous aggressions, leaving it to native citizens to raise the voice of protest. Even now they would not protest but for the fact that the usurpations of the general gov-

ernment had reached the state of their adoption. They had always adhered religiously to the constitution as they understood it, and would continue to do so "as long as memory called to mind its excellence and worth." As they understood it, the constitution fixed the sphere of authority for the state and the general governments. "We consider that the general government was created for objects wholly exterior, and that the regulation of their internal affairs was left to the states. An invasion of the rights of another by whatever power is uniformly dangerous, and uniformly to be resisted. Such invasion has been committed by the general government against the state of Coahuila and Texas: (1) In the persons of the representatives in the national congress, when they were prevented by military force from discharging the duties of their office; (2) by the decree of the president ordering a new election of officers in opposition to a regular and constitutional election previously held; (3) by the decree of the general congress disbanding the civil militia and requiring the states to surrender their arms; (4) by the decree of the general congress prohibiting the state of Coahuila and Texas from issuing letters of citizenship to its colonists; (5) by the arrest by regular troops of Don Augustin Viesca, the constitutional governor of the state; (6) by the overthrow of the state authorities by regular troops; (7) by the recent resolution declaring that the general congress has the right to alter the constitution and form of government at its pleasure without pursuing the mode pointed out by that sacred instrument; (8) by the creation of a dictator with absolute power whose only rule of conduct is his own will and pleasure; and (9) by numerous other acts, all manifesting a total disregard for the rights of the states, and a determination of the present ruling authorities of the nation to prostrate the republican federative principle."

Against all this the people of Texas protested. They would maintain the federal and state constitutions as originally adopted, and they would maintain the governor and all other state officials in the discharge of their duties. In these two resolutions they thought were contained every obligation that could be demanded of citizens. In carrying out these obligations they pledged their "lives, fortunes and sacred honor" never to abandon the contest until the last drop of blood of the last man in Texas was spilled. Texans and Coahuilans were separately urged to stand firm in support of the constitution, and thereby stimulate into activity the liberals of Mexico. The Texans could muster ten thousand rifles for their defense, and there was not power enough in the Mexican government to drive them from the country. Whatever force might come against them would come only to meet the victorious vengeance of a people who always had been brave and always would be free; they were invincible in Texas, but desired also that the Coahuilans should be free. Moreover, the people of the United States were interested in the fortunes of the Texans and in the hour of danger thousands would flock to their aid.

This proclamation was printed in English and Spanish and circulated. The summary just given is from the Spanish copy in the Austin Papers. Ugartechea forwarded a copy to General Cos on July 15, and one can easily imagine his opinion of the professed loyalty to

the constitution. The somewhat highflown, bombastic style of the address was aimed at the Coahuilans, but it is likely that they, too, represented the hint of assistance from the United States and the boasted invincibility of the Texans.

The English of D. B. Edward, a queer old pedant who published in 1836 his history of Texas, is frequently beyond comprehension; but so far as it is possible to interpret his account of this incident, it seems that some of the radicals who attended the meeting of June 22 assembled later on the same day, with the political chief in the chair, and adopted resolutions authorizing volunteers to expel Tenorio's garrison from Anahuac before the arrival of the expected reinforcements.

William Barrett Travis immediately began the formation of a volunteer company, and in San Felipe and Harrisburg thirty men signed an agreement to meet at Lynch's ferry and march against the garrison. Ten of these failed to start on the expedition, and three of the Harrisburg contingent withdrew at Vince's Bayou; but by the addition of eight men from Lynchburg and Spilman's Island the party was again increased to twenty-five. A halt was made at Clopper's Point, and an election held, the result of which made Travis captain, Retson Morris, first lieutenant, and Ashmore Edwards, second lieutenant. The captain then appointed John W. Moore orderly sergeant.

The sloop Ohio, belonging to David Harris, had been chartered at Harrisburg, and in this they all now embarked and proceeded toward Anahuac. When within about half a mile of the shore, the sloop was grounded, and Captain Travis ordered a shot to be fired, by way of warning, from the small cannon which they had on board, mounted on a pair of sawmill truck wheels. The gun was then placed in one of the small boats, and they all rowed ashore, where Travis was met by a note from Tenorio asking the purpose of his visit. Travis replied that he had come to receive the surrender of the garrison. Tenorio asked that he be allowed till the next morning for consideration; but Travis informed him that he could have only one hour, and then, without waiting for the expiration of that, since it was growing dark, ordered an advance. But the Mexicans had made use of the delay to flee to the woods, and the Texans found the fort deserted. Travis soon received a message from Tenorio, however, asking for an interview on the river bank; and this being granted him, he held a council and decided, by his own account, "in view of the difficulty and uselessness of making a defense, that a capitulation should be made."

On the next morning (June 30) the terms of the surrender were arranged. Twelve soldiers were to be allowed to retain their arms, as a protection against the Indians in their march toward Bexar, and the Mexican officers pledged themselves not to take up arms again against Texas. Captain Harris says there were forty-four Mexicans in the garrison, and that the Texan force had been increased by several accessions at Anahuac to about thirty. Travis, writing to Henry Smith about a week after the capitulation, says, "I received sixty-four stands of arms (muskets and bayonets)."

The Mexicans and the Texans returned together in the Ohio to Harrisburg, which they reached in time for a barbecue on the fourth of July. One may well imagine that Tenorio was rather glad than other-

wise to be relieved of his trying duties at Anahuac; for, at the barbecue, he is said to have "walked among the people, shaking hands with the men and acting as if he was the hero of the occasion."

By July 17, Tenorio had reached San Felipe; but being very kindly received by the authorities there,—Wily Martin having superseded J. B. Miller as Political Chief—he remained some seven weeks in the hope that Ugartechea would send him horses and money with which to complete his journey to San Antonio. He arrived at Bexar about September 8.

The attack on Anahuac was condemned generally throughout Texas, except by the most radical of the war party, which was still comparatively small. Town after town adopted resolutions of protest against the precipitate action of a few rash men which might involve the province in serious trouble. Travis, indeed, found the general sentiment against him so strong that for several weeks he published a card in *The Texas Republican* asking the people to suspend judgment upon him until he could publish an explanation and justification of his act. This was tardily written on September 1 and forwarded to his friend Henry Smith for publication, but Smith apparently thought best to withhold it from the press. The original is now in the Lamar Papers in the State Library. It reads as follows:

"To the Public:

"The undersigned published a card some time since, stating that he would give the public his motives in engaging in the expedition to Anahuac which resulted in the capture of the garrison of that place on the 30th of June last. Circumstances beyond my control have hitherto prevented me from redeeming the pledge therein given. I will now do so in a few words.

"I refer the public to the following documents to show what were my motives in that affair. At the time I started to Anahuac, it seemed to be the unanimous opinion of the people here that that place should be reduced. The citizens about Galveston Bay, who had formed a volunteer company for the purpose, sent to this place for aid. The Political Chief approved the plan and presided at a meeting of about two hundred persons who adopted the resolutions which appear below.

"Being highly excited by the circumstances then stated, I volunteered in that expedition, with no other motives than of patriotism and a wish to aid my suffering countrymen in the embarrassing strait to which they were likely to be reduced by military tyranny. I was casually elected the commander of the expedition, without soliciting the appointment. I discharged what I conceived to be my duty to my country to the best of my ability. Time alone will show whether the step was correct or not. And time will show that when the country is in danger that I will show myself as patriotic and ready to serve her as those who to save themselves have disavowed the act and denounced me to the usurping military.

"W. BARRETT TRAVIS.

"SAN FELIPE, September 1st, 1835."

The documents that Travis intended to publish with this statement were no doubt the proceedings of the meeting that authorized the attack; but they have never been found.

The attack on Tenorio convinced the government even more strongly than before of the importance of hastening troops to Texas. The people were firmly opposed to the establishment of a strong military force in Texas, and to prove their loyalty passed resolutions in numerous local meetings condemning the attack on Anahuac. And in general their condemnation was sincere. The government had no intention of suspending the military movement to Texas, but Ugartechea and Cos took advantage of the pacific tone of these resolutions to demand the surrender of the leaders of the war party for military trial. The people refused, and to the Mexican mind this was good evidence of the revolutionary intentions of the colonists. The attack on Anahuac was an important step in the development of distrust and misunderstanding that led to the revolution.

CHAPTER XII

PUBLIC MEETINGS AND COMMITTEES OF SAFETY AND CORRESPONDENCE ¹

By the arrest of the governor and dissolution of the legislature Texas was left virtually without a government. What was best to be done under existing circumstances was the all absorbing question. But few, if any, thought for a moment of submitting to the usurpation and tyranny of Santa Anna. While some favored immediate resistance, others favored a temporising policy, by which time would be gained, and preparations made for the worst. Texas was without a treasury and the appliances of war. It was proposed to raise a force and rescue the governor but it failed. The people were indignant at the course of the late legislature; they were also grieved and alarmed at the fate of Zacatecas.

Previous to these occurrences, however, a meeting of the citizens of Mina, now Bastrop, had assembled on May 17 and appointed a committee of safety, composed of Edward Burleson, D. C. Barrett, John McGehee B. Manlove, and Samuel Wolfenberger. Wolfenberger was the chairman of the meeting, and John W. Bunton secretary. This action was made necessary by the frequent inroads of the Indians on the settlements of the Colorado, and not in view of a conflict with Mexico. The example of the citizens of the municipality of Mina was soon followed by all the municipalities.

The political chief's proclamation of June 21 urging an expedition to rescue the governor was the occasion of a number of public meetings. The first of these was held at Columbia on June 23. The proclamation had reached that place on the 22d, and a private letter from Henry Austin to James F. Perry written on the 23d gives some of the intimate history of what followed. He says:

"An attempt has been made here today to involve us in an immediate Revolution by sending troops forthwith in obedience to a call by the chief of police to fight the federal forces—a report and resolutions were produced cut and dried in caucus last night, compromising us at once—I moved as an amendment—That the further consideration of the subject matter before the meeting should be postponed until the great body of the people of this municipality could be convened to express their sentiments as to the expediency of a measure involving the security of the rights, and property and the safety and lives of the families of the people; this was not admitted by the agitators as an amendment, when it was determined to put the report and resolutions

¹ In this chapter the proceedings of the public meetings are in general supplied by the editor.

to vote first and then take the vote upon my motion; on division two-thirds were against their report. They then without taking a vote upon my motion so modified their resolutions as to effect the same purpose, which, being agreed to, they appointed a committee to draft a report and resolutions to be proposed to the meeting on Sunday. It was proposed to add me and R. Williams. I declined to aid in forestalling the sentiments of the people, wishing the meeting on Sunday to be left free to appoint their own committee, and the people will reject their report on that ground if it be put to them. You and Pleasant McNeil must be here . . . every one who can give a vote, for the cast is to be made which will lose or win all our hopes in Texas." . . .

The official proceedings of the meeting, published in *The Texas Republican* of June 27, 1835, state that: "At a meeting of the citizens held in the town of Columbia, on Tuesday the 23d of June, 1835, Silas Dinsmore, Jr., was called to the chair. On motion of John A. Wharton, seconded by Wm. H. Jack, Esq. (the letter of the Political Chief being under consideration) the following resolutions were unanimously adopted:

"1st. Resolved. That in the sense of the present meeting it is inexpedient to adopt any measures of committal, until all the citizens of this Jurisdiction can be consulted in general meeting.

"2nd. Resolved. That the Political Chief be requested to take the sense of the citizens of his Department, in regard to the most proper political measures to be adopted on the present occasion.

"3rd. Resolved. That we recommend to the citizens of Texas, union, concert, and moderation in the adoption of measures to meet the present crisis; and that we pledge our fortunes, lives and honors in support of such measures as the majority may adopt.

"4th. Resolved. That a general meeting of the citizens of this Jurisdiction be called to take place in the town of Columbia, at 12 o'clock on Sunday, the 28th inst.

"5th. Resolved. That the Chairman be requested to address a letter to the Political Chief, enclosing him a copy of these resolutions, and assuring him that he will find us at all times ready and prompt to discharge our duty as good citizens.

"6th. Resolved. That the proceedings together with the Political Chief's letter be published in handbill form, and in the *Texas Republican*.

"On motion of Wm. J. Russell,

"Henry Smith, Branch T. Archer, Silas Dinsmore, Jr., Robert H. Williams, W. H. Sledge, William H. Jack, and John A. Wharton, were appointed to draft a report for the next meeting.

"On motion of Branch T. Archer, the thanks of the meeting were presented to the Chairman.

"On motion the meeting adjourned until Sunday next, at 12 o'clock.

"SILAS DINSMORE, JR., *Chairman*."

The Columbia meeting of June 28 was important because it became the model for several other municipalities, some of which endorsed its resolutions *en bloc*. With the hope, no doubt, of influencing this meeting an alarmist article was published in *The Texas Republican* of

June 27. It was headed "Important," and declared that "Facts new, and than which none can be more important, have been developed since the meeting of the people, at Columbia, on the 23d instant.

"At that time it was merely anticipated from circumstances, that Texas was threatened with impending ruin. Now, these anticipations are about to be but too well realized.

"That a law has been passed by the General Congress, by which the Colonists of Texas are disfranchised, is a matter that admits of no doubt. The object is easily seen by the most indifferent observer. We are virtually made aliens by its operation, and all the rights of citizens heretofore vested in us by law, are at one single blow prostrated. Under this pretext their soldiery will assume the right of expelling the inhabitants, and all the benefits resulting from years of toil and hardships are in a moment sacrificed.

"From information received last night, which is entitled to the utmost credit, we understand that the troops under the command of General Cos are now embodying with the avowed intention of making a descent on Texas. Their numbers will be about three thousand; with Santa Anna probably at their head. They have been for some time making preparations for this movement and a large amount of public stores are now deposited at La Bahia.

"The foreign vessels in the port of Matamoras have already been pressed into service for the purpose of transporting the troops.

"It is contemplated that they will land at Labaca, in twenty or thirty days, and their headquarters will be established at Bexar.

"There have lately been transported from Orleans to La Bahia about six hundred barrels of flour and a quantity of powder.

"These facts are submitted without comment. They speak loudly for themselves. Their language cannot be misunderstood. Let the people think and act for themselves. Let them ask what is to be done? The answer seems to be obvious. Organization can only be effected by the immediate establishment of a provisional government."

Despite this effort to stampede it, the meeting on the next day was conservative, and while advising defensive preparations urged strict adherence to the laws and constitution of the nation. Its proceedings follow in full:

"At a very large and respectable meeting of the citizens of the Jurisdiction of Columbia, on the 28th day of June, 1835, held in pursuance of a previous call for the purpose of considering the present situation of the country, and determining upon the course of conduct for the people of this Jurisdiction to pursue in the present and appalling crisis.—Col. W. D. C. Hall was called to the chair and Byrd B. Waller elected Secretary.

"The letter of the Political Chief of this department together with a number of documents throwing light upon the situation of the country having been read to the meeting, Messrs. John A. Wharton, W. D. C. Hall, H. Smith, J. F. Perry, J. H. Bell, S. Whiting, G. B. McKinstry, W. C. White, P. B. McNeel, F. Bingham, J. A. Phelps, Edwin Waller, E. Andrews, J. P. Caldwell, and E. G. Head were unanimously chosen to prepare a report and resolutions to be submitted for the considera-

tion of the meeting. The committee retired but shortly returned with the following report and resolutions which were unanimously adopted:

"To the citizens of the Jurisdiction of Columbia: Your committee having given the subject upon which they were to report as thorough an investigation as the time and circumstances will permit, beg leave to submit the following report:

"Your committee view with the deepest regret and greatest alarm the present political situation of Texas, and recommend to this meeting, and their fellow-citizens generally, union, moderation, organization, and a strict adherence to the laws and constitution of the land. Your committee protest against the acts and conduct of any set of individuals (less than a majority) calculated to involve the citizens of Texas in a conflict with the Federal Government of Mexico, and particularly protest against the proceedings of those persons at Anahuac who gave the collector of customs, Don José Gonzalez a series of resolutions declaring that they would not obey the revenue laws of Mexico. They denounce such persons as foreigners, and disclaim all participation in the act whatever. Your committee further declare that they are the faithful and loyal citizens of Mexico, and that they are disposed and desirous to discharge their duty as such and that it is their wish and interest to remain attached to the Federal Government of Mexico. Your committee recommend to the Political Chief the adoption of the most prompt and energetic measures to chastise the savages that have lately committed depredations on our frontier citizens; and beg leave to present the following resolutions:

"Resolved, That inasmuch as Texas is left in a state of anarchy, and without governor, vice-governor, or council, that we recognize the Political Chief as the highest executive office, and that we earnestly recommend an immediate organization of the militia for the protection of the frontier, and that he suspend further orders until the whole people are consulted, and also that he recommend a similar course to the Chiefs of the other departments of Texas.

"Resolved that the Political Chief be requested to correspond with the other Chiefs of departments in Texas, and request them to cooperate with him in electing three deputies from each Jurisdiction of their several departments to meet the Chiefs of departments in public council, with full powers to form for Texas a *Provisional Government*, on the principles of the constitution, during the reign of anarchy in the state, and that they meet as soon as circumstances will possibly permit.

"Resolved, That a committee of five be chosen to wait on the Political Chief with the views of this meeting, and that they remain a permanent committee of vigilance, correspondence, and safety.

"Resolved, That the Political Chief be requested to address the Executive of the Federal Government of Mexico, representing to him the peaceable and loyal disposition of the citizens of Texas, and their great desire to remain attached to the Federal Government.

"Resolved, That the Political Chief be requested to address the citizens of this department, commanding them to adhere strictly to the laws and constitution of the land.

"Resolved, That we will support the Political Chief in the discharge of all constitutional duties.

"Resolved, That the chairman of the meeting be requested to address a letter to the Political Chief, enclosing him a copy of the proceedings of this meeting.

"Messrs. W. D. C. Hall, J. A. Wharton, W. H. Jack, J. G. McNeel, and G. B. McKinstry, were chosen by the meeting the committee of vigilance, correspondence and safety, and to wait on the Political Chief with the views of this meeting.

"On motion it was resolved that the thanks of this meeting be given to the chairman and secretary. And then the meeting adjourned.

"W. D. C. HALL, *Ch'n.*

"BYRD B. WALLER, *Secretary.*"

On July 4 the district of Lavaca adopted these Columbia resolutions, and appointed a committee of "vigilance and correspondence" consisting of William Millican, John Alley, Samuel Rogers, Elijah Stapp, Francis F. Wells, and Sam A. White. Its duties were "to use all possible exertions to obtain any intelligence which may have any bearing on the well being of Texas, and communicate the same to the political chief and inhabitants of the precinct."

A meeting at Mina on the same day declared "that we feel an entire confidence in the constitution and laws of our adopted country, and will at all times sustain the legal authorities in the exercise of their constitutional duties." The next day the committee of safety and correspondence, after approving the Columbia resolutions, issued an address to the ayuntamientos of the department of Brazos giving its views of the alarming situation. The citizens of Mina, it said, "after the maturest deliberation came to the conclusion that there was certainly some reason to expect a movement of the government forces towards the colonies, and the greatest difficulty was to divine the precise object and intention of that advance. But they are aware that it would be the blindest credulity to believe, to its full extent, the idle exaggerations that have for some time past agitated the public mind. They forbear to express any opinion whatever as to the immediate cause that wrought the present excitement, but deplore the evils that may result from the schisms which have taken place in consequence; they feel, and deeply feel, the necessity that there is for the existence of some medium through which public opinion can be ascertained and wielded with effect against the irregularities of those whose disregard to the laws of the country has destroyed the mutual confidence as well as the mutual respect between them and their fellow-citizens of the Mexican Republic, inasmuch as the misconduct of a few designing men is attributed to the whole community, and contrued into disaffection to the General Government. They are by no means of opinion, while making their own feelings their standard, that the whole of Texas generally cherish a hostile disposition to Mexicans or to the Mexican Government when administered on its constitutional principles. They are voluntarily citizens of the same republic; have sworn to support the same constitution, and are by inclination and interest, as well as the

most solemn obligation, bound to cherish and sustain the liberal and free institutions of this Republic."

To meet the situation the committee could think of "no better mode of meeting the exigencies of the times than by an assemblage of delegates from each municipality, at San Felipe, or some other central place, whose duty it shall be to act in council for the people, and in concert with the executive power still existing in Texas, in providing for the general welfare of a misrepresented but a determined people." And the co-operation of the ayuntamientos was asked in bringing about such a meeting.

On July 7 a meeting at Gonzales was addressed by Mr. Edward Gritten, who declared that he was familiar with the purposes of the government in regard to Texas, and said that they were favorable. He earnestly recommended "quietude, obedience, and submission to the authorities of the nation," and after deliberate discussion the meeting adopted conservative resolutions avowing loyalty to the government:

"1st. On motion of Mr. Mitchell it was resolved that we protest against the late sale of *400 Leagues of our Lands*, as an act of corruption in all parties concerned, and we will not support such men nor measures, but on the contrary aid the Government in maintaining the integrity of the constitution and laws of the Mexican nation.

"2nd. On motion of Mr. Masson, it was resolved that we protest against those acts which tend to a resistance to the *revenue laws* of the government, and sincerely invite the Supreme executive to carry them into effect,—Suggesting at the same time a modification of those laws, in order that the duties shall *all* be collected; we believe reasonable duties received by Collectors understanding both languages, without favour or collusive arrangement would be cheerfully submitted to by the Merchants,—but in contrary case we pledge ourselves to aid the Federal Government in their collection. We further suggest, that a court with admiralty Jurisdiction to hold its sessions in Texas would greatly facilitate the object of collecting those duties, while at the same time it would relieve Texas from the embarrassment of tedious foreign suits.

"3rd. On motion of Mr. John Fisher it was resolved that we Protest against any *provisional government* or organization contrary to the true intent and meaning of the Constitution and laws—tending to estrange the Jurisdiction of Texas from that of Coahuila as established by the constitutional act, unless the Federal Congress shall sanction the separation, and the loyalty and patriotism of the citizens of Texas shall challenge this benefit for us at their hands; and every act and deed, tending to interrupt the harmony and good understanding existing between Texas and the Federal Government, deserve the marked disapprobation and contempt of every friend of constitutional order in the country.

"4th. On motion of E. Mitchell, Esq., it was resolved that we have full confidence in the favorable disposition of his Excellency the President and the General Congress towards Texas, and we believe that when the wants of Texas are fully made known to them they will be provided for.

"5th. On the suggestion of the Chairman, it was resolved that the course pursued by the Citizens of Texas when called on by the Governor of the State to move against the Federal troops, with offers of reward to those who should obey the order, in refusing to leave Texas to interfere in the quarrels of the Republic, if duly considered, furnish conclusive proof of the loyalty of the inhabitants of Texas towards the nation, and their unwillingness to become embroiled with them.

"6th. On motion it was resolved that the Secretary shall transmit to his Excellency the President of the United Mexican States, and to each of the Jurisdictions of Texas a copy of these proceedings.

"B. D. McCLURE, *Chairman.*"

"JAMES H. C. MILLER, *Secretary.*"

A subsequent meeting of the ayuntamiento and citizens of Gonzales on July 19 explained that these resolutions were based on a firm belief in "the good faith of the General Government towards Texas, and its strict observance of the laws and constitution of the United Mexican States." So long as the actions of the government justified this faith in its integrity, the people of Gonzales would continue their "unqualified allegiance," as expressed in the resolutions, but "if it be discovered that the numerous reports are correct, that the government contemplates a formidable invasion of the rights and properties of the citizens of Texas, they hereby declare for themselves resistance to such measures a virtue." At the same time the ayuntamiento was authorized to organize the militia and prevent the approach of spies; and it was agreed to send delegates to San Felipe on August 1 to confer with the political chief and delegates from other municipalities.

On July 11 the ayuntamiento of Columbia, of which Asa Brigham was alcalde and president and W. H. Sledge was secretary, appointed a committee of five to represent the municipality at a meeting which was to be held at San Felipe on the 14th. They were instructed to "take such measures as to open a correspondence with the authorities (either civil or military) of the Federal Government of Mexico, particularly to the Ayuntamiento of this Department and Political Chiefs of other Departments of Texas, and adopt such other measures as they may think best calculated to promote the welfare of Texas, always bearing in mind that we *earnestly desire peace*—they will further bear in mind that we are satisfied that the present commotion cannot be quieted, nor any lasting good obtained except by a commutation of all the people of Texas in general council, which they will earnestly endeavor to bring about with the utmost expedition; also that we deem it necessary that the most prompt steps be taken to procure peace provided it can be obtained. They will correspond with this body from time to time as they may think necessary—and if practicable a majority of their number will remain in the capital of this Department until some definite plan is adopted."

A letter drafted by the ayuntamiento to be presented by its committee to the chairman of this San Felipe meeting casts further light on the attitude of the Columbia authorities:

AYUNTAMIENTO OF THE JURISDICTION OF COLUMBIA

"To the Chairman of the meeting in San Felipe on the 14th of July, 1835:

"The Ayuntamiento of Columbia has thought proper to address you this communication and to send you five confidential citizens (viz., John A. Wharton, Sterling McNeel, James F. Perry, Josiah H. Bell, and James Knight) to represent this Jurisdiction and to confer with you touching the matters of public concern, which now agitate the country, confidently hoping that your united efforts will devise some plan to secure to this (thus far) ill-fated country the substantial benefits of peace, law, and government.

"This Ayuntamiento would represent to you that the citizens of this Jurisdiction hold themselves to be true, faithful, loyal, and unoffending Mexican citizens; that they do not violate the laws and constitution of the land, nor will they countenance others in doing it. This Ayuntamiento can see no end to present commotion until the people of Texas are consulted in General meeting, which said meeting they earnestly recommend to be called without further cause of delay. They believe from recent events and from the many false rumors that have abused the ears of the Mexican authorities that there is a great danger of the citizens of Texas being brought into conflict with the Federal Troops of Mexico, an event which they view with feelings but little short of horror. They believe it highly necessary, in order to secure the peace, that a deputation should be sent to the Mexican authorities, bearing communications from the people of Texas, and to make every honorable effort to secure peace. They are willing to raise their part of the funds to defray the expenses of the deputation; and in conclusion tender you their most hearty co-operation in support of measures calculated to promote the public weal. . . .

"God and Liberty.

"ASA BRIGHAM, President of the Ayuntamiento."

"W. H. SLEDGE, Secretary."

The San Felipe meeting of the 14th, after calling Major Jesse Bartlett to the chair and choosing Thomas R. Jackson, secretary, appointed a committee of five to draft resolutions. This committee consisted of Martin Allen, J. Urban, John Rice Jones, Joshua Fletcher, and C. B. Stewart; and its resolutions, which were in a conservative tone, were unanimously adopted:

"1. Resolved, that this meeting view with the deepest regret the excitement which it is believed has been precipitately produced in these colonies, and that the meeting disapprobates all hostile proceedings which may have been made for offensive operations against the government.

"2. Resolved, that this meeting earnestly desire peace and tranquility, and that it recommend to the people a quiet submission to the constitution, laws, and proper authorities of the country.

"3. Resolved, that owing to the alarming situation of the colonies, it is necessary that the colonists organize and be prepared for defensive operations.

"4. Resolved, that this meeting recommend unanimity and concert of action to their fellow-citizens on this highly important occasion.

"5. Resolved, that the affairs of Texas have approached a crisis which requires a consultation of all her citizens in their representative capacity and that we therefore recommend a meeting of the same in General Council.

"6. Resolved, that a committee of three be elected to confer with the committee from Columbia and other committees with full power to call a meeting of all the citizens of Texas in their representative capacity in general council, and to adopt such other measures as they deem best calculated to promote the general interest of Texas.

"7. Resolved, that we concur heartily in unanimity of purpose and feeling with the resolutions of the meeting of the Jurisdiction of Columbia, and that we invite the citizens of the other Jurisdictions of this department to concur with us in the adoption of measures tending to the same end."

For the purpose expressed in the sixth resolution, the meeting appointed John Rice Jones, J. W. Kinney, and A. Somervell; and the next day these gentlemen joined the Columbia committee in a letter to the Columbia ayuntamiento saying that they would in a few days make a full exposition of the affairs of Texas. In the meantime, they recommended to all "peace, union, moderation, and a strict adherence to the laws and constitution of the land." They were shortly joined by D. C. Barrett, representing the municipality of Mina, but, although they were expected, other delegates did not arrive. An account of the activities of these committeemen is for the present deferred, in order to continue the work of the public meetings.

Three other meetings were held on the 14th, the day of the San Felipe meeting. In the precinct of Alfred a committee consisting of R. J. Moasley, B. Beason, J. Burnham, William Alley, and J. Betts reported resolutions, which were unanimously adopted, declaring a faithful adherence to the laws and the constitution, protesting against a march on San Antonio for the purpose of establishing there a provisional government, condemning "all or any participation in the capture of any garrison or garrisons in Texas at present;" and recommending "union, organization, and moderation." At Caney Creek Robert McNutt and Charles Bachmen were chosen respectively chairman and secretary of the meeting and resolutions were adopted, revealing a somewhat amusing bewilderment as to what the excitement was all about: (1) "Resolved that we do not deem it necessary to take up arms against the General Government without first knowing that we are really oppressed. We are desirous to have peace, if we can have it on favorable terms, if not we are willing to defend our rights and liberties." (2) "Resolved that we will support the constitution and laws of our country." (3) "Resolved that inasmuch as we are satisfied with the government under which we have formerly lived, we are ready to defend our rights under that government." At Harrisburg Captain John W. Moore presided and Meriweather W. Smith was secretary of the meeting. Dr. David Gallaher, Edward Wray, Nathaniel J. Dobie, Thomas A. S. Pratt, Isaac Batterson, and the chairman and

secretary were appointed to draft resolutions. After a stirring speech by the secretary, reviewing the encroachments of Santa Anna upon the constitution, the meeting recessed until five o'clock for the committee to prepare the resolutions. These declared that the colonists had been invited to Texas by the free people of Mexico to participate in their rights and liberties, guaranteed by the federal constitution. Trusting in this charter of rights and taking an oath to support it, the Texans accepted the invitation. They believed that the constitution was being violated, and considered it their duty to sustain its principles. In the performance of this duty it was resolved that citizens who left Texas to avoid participating in "this, her struggle," should forfeit their property for the public good; and that foreigners who volunteered and served during the struggle should be rewarded with a thousand acres of land. The chairman and secretary and Dr. G. M. Patrick were then chosen to act as a committee of correspondence and the meeting adjourned.

John Henry Brown gives in his history of Texas an account of a meeting held at William Millican's gin house on July 17 by the settlers along the Navidad and Lavaca Rivers, which adopted resolutions somewhat similar to those of the Harrisburg meeting. In his summary of the proceedings Brown says that the people unanimously declared "Their belief that Santa Anna was hostile to State sovereignty and the state constitution:

"That they would oppose any force that might be introduced into Texas for any other than constitutional purposes:

"That, whereas, there were then at Goliad two hundred infantry en route to reinforce the garrison at Bexar (as promised by Cos in his letter to Tenorio), they called upon the Political Chief to intercept them, and as a greater guaranty against invasion, to take the necessary steps to capture and hold Bexar.

"That they favored a general consultation of delegates from all the municipalities of Texas.

"They concluded by calling on the militia to hold themselves in readiness to march at a moment's warning, which the militia did, as was proven by the alacrity with which, when the emergency arrived, the companies of Captains Alley and Sutherland marched to the seat of war at Gonzales and San Antonio de Bexar."

At Nacogdoches a meeting was held on July 19, Colonel Frost Thorne in the chair and Colonel Thomas J. Rusk acting as secretary. A resolution was unanimously adopted asking the political chief to call a meeting of his department for the purpose of adopting measures for acting in unison with other parts of the province, and a committee of vigilance and correspondence was appointed consisting of John Forbes, George Pollitt, Thomas J. Rusk, Frost Thorne, and J. Logan. In writing of this meeting on the 21st, Forbes said: "Notwithstanding the efforts of a few Tories here who are untiring in their efforts in misrepresenting matters and keeping back expression of the people's sentiments, the Red Landers will not be a whit behind the people of the Brassos and other parts of Texas in the maintenance of their liberty and rights, and will stand shoulder to shoulder in the

defence of the Republican institutions and support of the laws of their adopted country."

On August 8 the citizens of the San Jacinto community held a meeting. Captain William Scott was chairman and David B. Macomb secretary. A committee on resolutions was appointed to "express the sense of this meeting in relation to the present condition of the country and the propriety of calling a General Convention as soon as practicable." David G. Burnet was chairman of this committee and the very able and conservative resolutions which were adopted by the meeting were chiefly his work. Other members of the committee were James Ruth, Philip Singleton, Doctor Gallaher, and David B. Macomb. The resolutions declare that "Whereas we have heard with profound regret, that the federal republican government of Mexico has been violently dissolved; that the constitutions of the several free and independent States composing that confederation have been declared abrogate and void; that the late President of the Republic, General Santa Anna, has been invested with extraordinary, dictatorial powers, and a central consolidated government has been established at the City of Mexico; that the civic militia of the nation has been disarmed and disbanded; that some of our Sister States have been invaded by military force and the blood of their citizens profusely shed [to] coerce them into submission to the new administration; and that a similar invasion is contemplated, and is now in preparation to be made upon Texas; therefore the citizens of the precinct of San Jacinto assembled to deliberate upon the solemn crisis in our public affairs have adopted the following resolutions as indicative of our views and feelings, and we do earnestly recommend the mature consideration of the same subject to our fellow-citizens of Texas generally:

"Resolved, That the original, proper and legitimate objects of government are the convenience, the happiness and the prosperity of the people. That where a form of government shall be manifestly proven inadequate to the attainment of these objects, it is competent for the people to modify, amend or radically change that form of government. These we hold to be obvious and irrefragible truths, and we also hold it to be equally true, whenever a portion of a people think proper to subvert an established Government and to substitute a mere dynasty, it belongs of right to another portion of the same people to reject the new system and adhere to the old, or to adopt such other form of Government as their circumstances or predilections may recommend. That the dissolution of the government is virtually a dissolution of the political union; and the parts that compose that union being sundered, each one reverts to its original sovereignty. That this is emphatically true of an association of free and independent States, as was the late confederation of Mexico.

"Resolved, That confiding in the correctness of the information we have received from various quarters, we consider the federal Republican Government of the Mexican United States as subverted, dissolved, annihilated; and that the allegiance of every citizen to that Government is, necessarily, absolved and of no more political or moral obligation.

"Resolved, That although we consider it premature to pronounce definitely upon the new Government, established or to be established, at

the city of Mexico, because the particular constitution of that government has not been made known to us, we are ready now and at all times to declare our utter abhorrence of any Government that is purely military in its character; and are now and at all times ready to resist the imposition of such a Government with all the means and all the energies that Providence has conferred upon us—That we consider even the turbulence of a distracted republic incomparably preferable to that sickly quietude of a military despotism, or to the still more odious domination of a secularized and ambitious priesthood.

“Resolved, That we nevertheless entertain a cheering confidence in the distinguished leading citizens of our adopted country that they will not permit the land of their birth and their affections to lose the dear bought benefits of so many revolutions, by one inglorious revolution retrograde by a sudden transition from light to darkness, from liberty to despotism. That they will organize a system of Government in accordance with the spirit of the 19th century; a Government based upon wise and equitable laws, with such a distribution of the three cardinal powers as will assure to each individual all the guarantees necessary to rational political liberty.

“Resolved, That we have marked with surprise a disposition to attribute the late movements of the General Government to a recent reported speculation in the lands of Texas, and to charge the speculators as the authors of the present disquietude. That we reprobate all nefarious and fraudulent speculations in the public domain as warmly as any portion of our fellow-citizens can do; but we can procure only a short-sighted puerility in attributing radical changes in the Government of Mexico to the intrigues of a few speculators in the town of Monclova—That we hope and believe that the laws are adequate to the redress of any wrongs the State may have sustained, the corruption of its functionaries, or the no less culpable frauds of its citizens in relation to its vacant territory.

“Resolved, That we deem it altogether inexpedient and highly injurious to court a contest with the Government of Mexico. That we have always considered and do still consider the aggregate Mexican Nation the rightful sovereign of the territory we occupy—That nothing short of an absolute determinate violation of those essential, sacred and imprescriptible rights which pertain to us as members of society should induce the Anglo-American citizens of Texas to abstract themselves and the noble soil which the Mexican nation has so liberally conceded to them from the sovereignty of that nation. That while we feel it a just duty to guard our just rights and vital interests from all infringement; we also feel it a sacred obligation to preserve our names untarnished by the imputation of parricidal ingratitude.

“Resolved, That we consider *names* as the mere signification of *things*:—and that we are not so obstinately prejudiced in favor of the term, “federal republic” as peremptorily and without inquiry to reject another Government purely because it has assumed a different external sign or denomination.

“Resolved, That there are certain essential, sacred and imprescriptible rights which must be guaranteed to every citizen, under any form of government that can or ought to be tolerated by an intelligent peo-

ple who know how to estimate the inherent dignity of their nature.— That we believe those rights may be as well secured under a consolidated as under a federative government, provided that government be wisely and liberally organized.—

“Resolved, That frequent revolutions in a nation are greatly to be deprecated—That experience has clearly demonstrated that the federal republican system of Mexico has been utterly insufficient to restrain the corrupt ambition of turbulent and factious men, to preserve the internal happiness, or to advance the prosperity of the nation.— That that form of government is intrinsically complex, requiring for its harmonious and efficient operation an unusual degree of general knowledge and sound moral sentiment in the people at large. That in our native country which justly boasts of its diffused intelligence and high moral feeling, illustrious patriots differ in their construction of the relative powers of the general and state governments and find the *involvements* of the federal system too intricate for coincidence of opinion and too perplexed for unity of action.

“Resolved, That although we hold the proposition set forth in the preceding resolutions to be true and of special application to our present political condition, we do not feel prepared, with our imperfect knowledge of facts, to make any definite and conclusive election touching the new form of government that may be established at the city of Mexico; either to accept, or to reject thereof.

“Resolved, That the dissolution of a government does not of necessity requisite that the constituent parts of the nation should separate finally. That the abstract right to do a thing does not always render the doing of it wise or commendable. That although the citizens of Texas may have the *political* right to reject the new Government of Mexico, and to adopt one more consonant to their habits and feelings, we do very seriously question the policy of doing so, unless constrained by imperious circumstances, such as, we trust, do not and will not exist. That as *adopted* citizens, we ought to exercise even our absolute rights with some diffidence, and with a peculiar regard to the moral obligations that may rest upon us.

“Resolved, That inasmuch as it is impracticable for a people so dispersed as are the people of Texas to act collectively and in unison in any public exigency requiring deliberation and interchange of opinions, we conceive it expedient that a convention to consist of two delegates from each precinct be elected, and to assemble with all convenient expedition at the town of San Felipe de Austin, or some other convenient point, to confer on the state of public affairs to devise and carry into execution such measures as may be necessary to preserve good order, and the due administration of the laws; to collect and distribute information relative to the nature and the operation of the new Government of Mexico; to communicate with the authorities of that Government; and to adopt and to carry into execution such ultimate measures as in their wisdom may seem meet and proper; and conducive to the substantial, permanent welfare of Texas. Strictly enjoining it upon each and all of the delegates so to be convened, to preserve by all possible means, compatible with the character of a free people, *the peace of Texas and the unity of the Mexican nation.*

"On motion it was Resolved, That this meeting nominate and appoint two suitable individuals to represent this precinct in General Convention; whereupon the following gentlemen were appointed: David G. Burnet, David B. Maccomb.

"On motion it was Resolved, That a copy of these proceedings with the preamble and resolutions be transmitted to the Political Chief of the Department, and also to the Editor of the Texas Republican, with a request that they be published in that paper."

In *The Texas Republican* of July 25 there appeared a notice signed by William H. Wharton, W. H. Bynum, W. D. C. Hall, A. Calvit, S. Whiting, P. Bertrand, W. T. Austin, and W. G. Hill calling a meeting at Columbia on July 30 to express the sentiments of the people "in regard to the importance of having a convention of all Texas, through her representatives, for the purpose of restoring peace and confidence." The issue of this paper for August 8 says that the meeting of the 30th dissolved without doing anything, and that another meeting was to be held on August 15 for the purpose of calling the convention. Mosely Baker and Johnson attended the meeting of the 30th. The majority of those present were of the peace party, headed by the most influential men in the jurisdiction. Fearing the unfavorable action of this meeting, Johnson, an intimate and personal friend of Josiah H. Bell, held a long conversation with him, urging harmony of action, and suggested that no definite action should be taken, and that the meeting should adjourn to meet on a day named in August. To this Bell consented, and said he would consult his friends. We were advised by him that his friends, the heads of his party, had consented; whereupon Wm. H. Wharton of the war party, was selected to address the meeting. Then adjournment was taken to a day in August. Thus an important point was gained.

Baker and Johnson were selected by their friends to visit East Texas and solicit the people to unite with the party in Austin's colony and endorse the proceedings held at San Felipe in June. With this arrangement and understanding, Baker and Johnson, a few days after, set forward for Nacogdoches. On their arrival they met, at the house of J. K. and A. C. Allen, General Sam Houston and Thomas J. Rusk, the latter having but recently arrived in Texas. This was the first time that Johnson had seen Houston and Rusk. All were alike anxious to hear the news of the two sections of Texas. Baker and Johnson gave them an account of what had been and was being done by the people in that section. General Houston replied that they were, with but few exceptions, submissionists; that he had left San Augustine but a few days before where a public meeting had been held to consider the state of the country. That he had attempted to address the meeting and that he had been literally hissed down! That the people of Nacogdoches, and the jurisdiction generally, entertained a like feeling, and were submissionists. Baker and Johnson informed him and Rusk of their object in visiting East Texas. They were both of opinion that the time was inauspicious; that the people must be made to understand the true situation of public affairs, and to choose between submission or resistance to the usurpations of Santa Anna and the general congress. Discouraging as this news was, Johnson did not despair of rousing the

people to a proper sense of the dangers by which they were threatened and to their duty. He had influential acquaintances and friends in Nacogdoches and San Augustine. On parting with these gentlemen, General Houston said to Baker and Johnson that he was with them in feeling, and would do what he could to assist them to the utmost of his ability.

The next morning, at an early hour, Johnson called upon his old friend, Major John S. Roberts, who at the time was engaged in the mercantile business with Henry Rueg, political chief of the department of Nacogdoches. After a warm greeting, Johnson informed him of the object of his, and his friend Baker's visit to that section, and gave a full account of what had been done in Austin's colony. He said the people of that section, owing to the contradictory reports, were in doubt as to what they should do, and determined to remain quiet until better informed of the true state of public affairs; but for one, he said he was with the war party of Austin's colony; and that he believed that when the people of the East were made acquainted with the action in that colony, which was considered the head and center of Texas, there would be no difficulty in uniting the people of that section. Johnson then enquired of him what view the political chief took of the situation. He answered that the chief was all right, that he was a firm supporter of the constitution of 1824, and opposed to the change being attempted by Santa Anna and his congress. Johnson then requested him to say to the chief that he desired an interview at the earliest time that would suit his convenience. Soon after breakfast Major Roberts called upon Johnson and informed him that the chief was ready to receive him; whereupon they proceeded together to the office of the chief, to whom Johnson was introduced. Johnson explained what had occurred in the West, discussed the course and policy of Santa Anna, and concluded by suggesting the call of a public meeting of the municipality of Nacogdoches, which he approved. It was then agreed that a move should be made to call a meeting on the following day. Baker and Johnson then called upon Colonel Frost Thorn, Major John Forbes, and other influential men of the place who heartily approved of the call and went actively to work.

In the evening of the day fixed for the meeting a large number of the citizens assembled at the "Old Stone House" and organized. By request, General Houston addressed the meeting, in an able and eloquent speech, recounting the wrongs Texas had suffered and was suffering at the hands of the federal government, during the delivery of which he was frequently cheered. At the conclusion of his speech, a preamble and resolutions, which had been previously prepared, were read, and on motion were unanimously adopted—Rusk not voting. A committee was appointed to visit San Augustine and present to the people of that municipality a copy of this preamble and resolutions and invite them to unite with their fellow-citizens of Nacogdoches and Austin.

A copy of these resolutions preserved in the Austin Papers of the University of Texas show that this meeting was held at Teal's Tavern on August 15, with James Bradshaw in the chair and William G. Logan acting as secretary. The resolutions, which were presented by Solomon R. Peck, were preceded by a preamble stating the compact theory of

government. Governments were declared to be "designed for the rational control of human actions and for the preservation of human rights; when these objects are disregarded or abused the ends of association are disappointed, and the compact is virtually dissolved." A state of nature resulted from this dissolution and men might then form a new association to secure the "unalienable rights of life, liberty, and the enjoyment of property." The federal constitution constituted such a compact, to which the colonists became a party when they came to Texas. It had now been destroyed by numerous abuses, which they enumerated, and the Texans must take measures to preserve it from anarchy. James Bradshaw, General Houston, Colonel Thomas J. Rusk, and Colonel Richard Sparks were appointed to treat with the various tribes of Indians in Texas, "according to the promises made to them by the Mexican government, and whatever else they may deem proper to do the Indians justice and preserve peace with them." Persons who should flee from the country in the event of invasion were declared unworthy "to enjoy the rights of citizenship or hold any property in the country." Though they viewed war "in no other light than that of a most fearful scourge," and though it would be their steady aim to preserve peace while war could be avoided, the people of East Texas were opposed to despotism and monarchy and would sustain their brethren of the exposed parts of Texas should they be invaded by an armed force. They thought that a general convention of all Texas should be assembled without delay, and on motion of General Houston the ayuntamiento of San Felipe was requested to call it.²

The committee proceeded to San Augustine and made known their object. After a public meeting was called, to which, on organizing, the action of the meeting at Nacogdoches was read and approved, a preamble and resolutions of approval were unanimously adopted, and the people pledged to the support of their fellow citizens of East and West Texas. Thus was the mission of Baker and Johnson successful, and all that their friends could wish.

The tone of most of the public meetings just described is very similar. They declared loyalty to the constitution and laws, called for the organization of the militia, suggested a convention, and urged steps to convince the authorities of their fidelity to the country. The suspicion may occur to the reader that, since the constitution was already practically set aside by Santa Anna, professions of loyalty to it were little short of declarations of independence, but a careful study of the available evidence leads to the conclusion that the majority of the colonists were anxious to avoid trouble, and would have welcomed a continuance of peaceable relations with Mexico on terms that secured them from the abuses of a military occupation. While the organization of the militia and the collection of munitions undoubtedly looked toward organization for defense from Mexico, they were needed for protection from the Indians, and defensive preparations were by no means inconsistent with sincere desire for peace. The convention was highly desirable in any event to enable the Texans to settle upon a definite policy.

² This summary of the resolutions of the Nacogdoches meeting is inserted by the editor.

The meetings at Harrisburg, Navidad, and Nacogdoches show little of this spirit of hesitation, but it is clear from Johnson's narrative that much the larger element in the population of East Texas was really indifferent. The San Jacinto resolutions, on the other hand, framed by David G. Burnet, plainly urged acceptance of any government that guaranteed the country from oppression. Other meetings will be described later in connection with the calling of the convention.³

³ This paragraph is added by the editor.

CHAPTER XIII

WAR AND PEACE ACTIVITIES

As we have seen, the war party was first in the field. Before the peace party men and the conservatives were aware of what was happening, it had begun the expedition against Anahuac and had induced Dr. J. B. Miller, the political chief, to issue his proclamation calling for volunteers to capture San Antonio and to march to the rescue of the governor. The peace party rallied quickly, however, and most of the public meetings of June, July, and early August were dominated by it. The Columbia meeting of June 23 declined to take action until a more general expression of the public will could be obtained, and the meeting of June 28, which became the model for most of the other meetings down to the middle of August, condemned aggressive movements and urged the political chief to exert his strongest influence to tranquilize the people and to convince the Mexican authorities that the Texans were loyal.

A special committee placed the resolutions of this meeting before Miller on July 3, and he declared himself in cordial agreement with all of them, except the recommendation to open correspondence with Ugartechea and Cos. The fact is that Miller had already written a letter to Cos the day before, explaining the interception of the courier at San Felipe on June 21 and the resultant attack on Anahuac. The people had been excited, he said, "by an apprehension that the general government, being misinformed as to the loyalty of the people of Texas," was "disposed to pursue a course of rigor towards us which would be extremely unfortunate." To show, however, the loyal feeling of a large majority of the people of the department he enclosed a copy of the proceedings of the Columbia meeting of June 28. In closing, he assured Cos that he would exert all his powers to preserve the public order and tranquillity. For some reason Miller did not forward this letter after it was written, and it was not until July 20 that it was translated by Edward Gritten and despatched to Cos.

The committee's request that Miller try to quiet the fears of the people was more immediately complied with, and on July 10 he published the following proclamation:

"To the Inhabitants of the Department of Brazos.

"FELLOW CITIZENS: Feeling duly impressed with the importance of the present crisis in the affairs of Texas, and the alarming extent to which anarchy seems likely to prevail, I deem it my duty as the highest constitutional officer of the department to call upon you in the name of the constitution and laws of the land which we have sworn to sup-

port, to remain quiet and tranquil. In the present condition of our country, it is alike important to the common safety of all that no other orders should be obeyed but those issuing from the proper officers and that no movement should be made but a common one, in a common cause. I have therefore thought proper to issue this proclamation, commanding and exhorting all the good citizens of this department to remain strictly obedient to the constitution and laws of the land and to engage in no popular excitement not expressly authorized by this Chieftaincy.

"These orders are necessary to prevent anarchy and confusion, which are the worst enemies that Texas can have. They have been dictated for the general good of the inhabitants and I entertain the most sanguine hopes that they will be obeyed."

Some days later—the document is undated, but it was probably issued toward the end of July—Miller wrote for the public a full explanation of the causes that had led to his hasty proclamation of June 21. He was evidently convinced that he had been alarmed by "unfounded rumors," and his explanation can hardly have failed to have a tranquillizing effect upon the people. He said: "I deem it my duty to say a few words in explanation of my course. Having no interest separate from the people's interest and no design but to discharge my important duties with honesty, I trust that the public will understand and justify my whole proceedings.

"During the late excitement at an early period I received orders as the Political Chief from the Governor of the State, to proceed with men and arms to his rescue. At that time also it was reported that besides the arrest of the Governor and others, an army of some thousand men were then marching to Texas for its subjugation. This request from the Governor of the State, and very unpleasant reports of the day, had the same effects on myself that they had on the people generally. We were all overwhelmed with surprise, and for a moment lent an ear to unfounded rumors. In this state of things and in obedience of the legal head of the State, and in obedience to the earnest protestations of a number of influential citizens around me, I proceeded to call on the people to come forward at the request of the Governor. It was not designed by me to proceed to any hostile measures; my inclination was to obey orders, or if reports proved true, defend ourselves.

"At a meeting of citizens in June last, I was called to sit as chairman. My fellow-citizens will readily understand that I sat on that occasion not as political chief, but as any other individual to keep order and perform the ordinary office as Chairman. My taking the chair cannot even be made to appear as giving sanction to the proceedings of the day. Yet some intimation has been given that inasmuch as I was Chairman of the meeting I have given sanction to all that was done, nay, even more, it is asserted that the political Chief gave orders in reference to Anahuac as well as to other matters, which were merely voted on by the citizens assembled at the meeting aforesaid in the first emotions of their surprise. It may appear unlucky that I should have been named to preside at such a meeting, since the duties I had as Political Chief are so responsible and so important; but I fear not for a moment that my motives will be misrepresented by the public.

"Fellow citizens, my temper and inclinations have always been for peace. I have no hope but public tranquillity and order; I stand before you in the unenviable position of one who loves quiet but who is forced by a high and honorable office into the turmoils and contentions of party. . . .

"Having said thus much for myself, allow me to close this appeal to my fellow citizens and friends by expressing the felicity which I feel at the new and happy appearance which our political affairs have assumed. . . . And your Political Chief is happy to be able to proclaim to the world that the people of Texas in general everywhere, and in the most honorable and warm hearted manner, on this as on all former occasions, declare themselves grateful to the Mexican Government for the indulgence and various bounties which they have received. None of the citizens of the Mexican Confederacy can be more attached to the Constitution and peace and order than those of Texas. They feel no inclination to intermeddle with the difficulties of the other states, much less with the jealousy of discontented and fractious individuals.

"Fellow citizens, I shall close with one single suggestion; it is that we always act with caution. The late unnecessary alarm, proceeding out of false information, has taught this salutary lesson of caution and moderation. To profit by experience is the high purpose of wisdom: and patriotic wisdom, combined with a patriotic attachment to the laws and the love of peace, will be sure in all events to lead to the felicity of each individual and all the citizens of Texas."

On July 7 Ugartechea wrote Miller a letter, which he no doubt expected to be made public, assuring him that the troops which had been ordered to Texas were coming for no hostile purpose, but merely to garrison the ports and protect the country from the Indians. He had already written Cos on July 1 suggesting that Cos issue a proclamation to that effect, and on July 12 Cos followed his advice by writing a long circular letter to the three political chiefs of Texas. It is an interesting diplomatic document and is reproduced in full from the translation which appeared in *The Texas Republican* of August 22, 1835.

"General Commandancy and General Inspection of the Interior of the East.

"Under this date I have to say to the Political Chiefs of the Departments of Bexar, Brazos, and Nacogdoches, the following:

"The entire want of police for sometime past in Texas has necessarily contributed to the introduction of many men without country, morality, or any employment to gain a subsistence, who having nothing to venture in a revolution, are continually occupied in fanning the flame of discord and endeavoring to persuade the honest people of Texas that the Supreme National Government entertain views and intentions hostile and fatally prejudicial to their interests.

"As this unheard-of falsehood might precipitate good citizens to confound themselves with the perverse, I believe it to be my duty to save them appealing to their good judgment for the rejection of those vile suggestions, and entreating them to think only of the augmenting of their property, respecting always the Laws of the land; in this case

they always have the support of the General Government and every kind of guarantee which the General Commandancy can give.

"I have been informed that seditious persons in order to gain their ends endeavor to make the entrance of troops, from the President of the Republic, thither to be looked upon as the commencement of military subjection.

"If this extravagant idea has blinded the incautious, the sound part of the people must have rejected it as it deserved, because it is not credible that assent can be given to an imputation so unjust.

"As the principles are well known which guided the march of the Mexican Government, and their desire for the prosperity of Texas, to whose inhabitants it has made every kind of concession, and if it be necessary in order to establish the Custom House to station military detachments among us: this should in no wise alarm the people of Texas; since far from being prejudicial to their interests they will serve as a support and the people will have a guard more in favor of than against their security.

"On the other hand it is evident that some badly disposed persons have been able to induce the belief that the Mexican Government has no right to send its troops to those places where they think it necessary.

"Texas is an integral part of the Republic and as the troops are ordered, for example, to garrison the state of Oaxaca or Vera Cruz, tomorrow they may be necessary in Galveston, or some other port and there they will be received without any resistance, as it would be very opprobrious to the Mexicans for the new inhabitants of Texas to contemplate the national army in the same way as the Egyptians looked upon the Mamelukes, their continual depredators.

"You will please make the honest residents of this department understand that so long as they remain attached to the Government and the Laws they have nothing to fear; as an armed force is sent to no part of the Republic with any other object than to maintain the peace and security of the citizens.

"Whatever pretensions the inhabitants may have they will please manifest them by legal means to the Government, and I offer to support them, provided they be such as can be realized, as to me is entrusted the tranquillity of the State of the East.

"I cannot fail to stimulate your patriotism and your zeal to prevent your influence and your persuasion to any alteration whatever, as this General Commandancy . . . will be obliged to proceed against those who overturn the peace which is now fortunately enjoyed in every part of the union.

"You will please proceed as I have indicated, and be assured of the particular consideration and esteem which I profess.

"Circulated to you for your knowledge.

"God and Liberty.

"MARTIN PERFECTO DE COS."

"MATAMORAS, July 12th, 1833.

"*To the Illustrious Ayuntamiento of Brazoria.*"

While Ugartechea and Cos were thus assuring the colonists of the beneficent intentions of the government, the Texans on their part had, as we know, begun a determined effort to convince the government of

their loyalty and desire for peace. The committee of five appointed by the ayuntamiento of Columbia on July 11 was joined by a similar committee appointed by the San Felipe meeting of the 14th, and these were joined in turn on the 16th by D. C. Barrett, representing the municipality of Mina. Other representatives were expected, but did not arrive.¹

The object of the committee was to take into consideration the political state of Texas. On the 15th they addressed the following letter to their constituents and to the other inhabitants of the department of the Brazos:

"COMMITTEE ROOM, SAN FELIPE, July 15, 1835.

"To the Citizens of the Department of Brazos.

"FELLOW CITIZENS: The committee of the jurisdiction of Columbia, in conjunction with the committee of San Felipe, have thought proper to address you and lay before you a report of the information now in their possession with a view of quieting all alarm that may exist in regard to the descent of the Federal Troops upon Texas. The official communication from the committee of safety at Gonzales to the committee of safety of Mina, contains information that can be relied on. Mr. Gritten, the gentleman mentioned in that communication, is the same person who visited Texas last summer in company with Colonel Almonte. The letter of Judge Chambers confirms the statements of Mr. Gritten, and in the estimation of this committee can be confidently relied on. We therefore take great pleasure in informing our fellow citizens that there is no just cause of immediate alarm, and at the same time of assuring them that they have the most sanguine hopes that the present commotion will be quieted and good restored without any collision with the Federal Troops. They pledge themselves to the public that their exertions will be earnest and unremitting to effect this much desired end.

"In a few days they will be joined by committee from other parts of this department, at which time they will make a full exposition of the affairs of Texas, and recommend such a course as they will deem best calculated to promote the General Good. In the meantime we recommend to our Fellow Citizens peace, union, moderation, and a strict adherence to the laws and constitution of the land. In conclusion we subscribe ourselves your friends and fellow citizens."

"COMMITTEE OF COLUMBIA,

"COMMITTEE OF SAN FELIPE."

On the 17th a reply was made to Colonel Ugartechea's letter assuring the Texans of the good will of the central government, in which they declared a like conciliatory spirit, and expressed regret for the capture of Fort Anahuac and its little garrison. They also requested Colonel Ugartechea to interpose with Generals Santa Anna and Cos. The letter follows in full:

"DEPARTMENT OF BRAZOS, SAN FELIPE, July 17th, 1835.

"To Col. Comdt. at Bezar.

"SIR: We whose names are undersigned are chosen by the people of the jurisdiction we severally represent, to investigate the truth of

¹ Down to this point the present chapter is the work of the editor.

certain rumors, and recent occurrences, which tend to place the citizens of Texas in an attitude of hostility to the general government. Time will not now admit of a detailed account of the *alleged* reasons for the acknowledged insult upon the government agents, and officers, at this place, and at Anahuac. Hereafter, and as soon as a full and free expression of the people of Texas can be obtained, every explanation will be given which justice, and the honor and dignity of all concerned, may require. The people at large *we know*, have not participated either in the feeling which prompted the aggressions, or in any acts opposed to the legal authorities of the Mexican republic,—and do, and ever will, disavow the course pursued by a few impetuous and misguided citizens, whose conduct, unexplained, might implicate the whole community.

"Accompanying this communication you will receive Capt. [Tenorio's] statement of recent transactions among us. We are ignorant of the views this gentleman entertains, or the representations he may choose to make of the late affair at Anahuac, where he commanded, or the disposition of the people generally, of this province. But presume from his being honored with a station so important under the government, that he is an honorable man, and a gentleman, and as such has been received and treated here, since the unfortunate occurrence which placed him in his present situation. So far as his imperfect knowledge of our language and every possible manifestation of the people will admit, he cannot but feel sensible of the general confidence of Texas citizens in the purity and justice of *our* constitution and laws,—and respect for the government which the Mexican states have chosen.

"You are respectfully requested to transmit this communication, or a copy of it, to Genl. Cos, and the President of the U. S. [of Mexico], with a concluding assurance from us that the citizens of Texas generally have become adopted citizens of the Mexican Republic from choice, after a full knowledge of the constitution and laws—that they entertain a grateful sense of the liberality of the government towards her colonies in the distribution of lands to settlers, and other advantages tending to their convenience and prosperity, in agriculture and manufacture,—that they will be prepared on every constitutional call to do their duty as Mexican citizens, in the enforcement of the laws and promotion of order, and respect for the government and its agents—that they will cherish those principles which most clearly demonstrate their love of peace, respect for their Mexican fellow-citizens, and attachment to the free liberal institutions of their adopted country.

"WILY MARTIN, *President*.

"JOHN R. JONES,

"A. SOMERVELL,

"C. B. STEWART,

"JESSE BARTLETT,

"*Jurisdiction of Austin.*

"STERLING MCNEIL,

"JAMES KNIGHT,

"J. H. BELL,

"JAS. H. PERRY,

"JOHN A. WHARTON,

"*Jurisdiction of Columbia.*

"D. C. BARRETT,

"*Jurisdiction of Mina.*

"C. B. STEWART, *Secretary*.

"J. B. MILLER, *Political Chief.*"

On the second day of the meeting John A. Wharton moved for a call of a general convention of all Texas, but the motion was voted down.

A committee of five was appointed to draw up a statement of facts relative to the late disturbances, but it was dismissed the next day without reporting. D. C. Barrett and Edward Gritten were appointed commissioners to wait upon General Cos and explain the recent occurrences in Texas, and to assure him of the fidelity of the people to the government. The meeting then adjourned to meet again on the first of August, leaving all unfinished business in the hands of the political chief. Captain Tenorio was present at this meeting, and was soothed by the restoration of his private papers, which had been taken from him at Anahuac.

Yoakum, in his history of Texas, in speaking of Gritten says: "Edward Gritten was an Englishman who had been for some time domiciliated in Mexico, and had come to Texas in 1834, in company with Colonel Almonte. There remains now but little doubt of his treachery. The meeting raised by subscription five hundred and forty-seven dollars, and paid it over to the commissioners as an outfit. Gritten was a brother-in-law of Colonel Carbajal." Upon what evidence or upon what authority Yoakum charges Gritten to have been a traitor, we are at a loss to imagine. He proved true and took part with the Texans in their struggle for their rights, and for independence.² The proceedings of this meeting gave the peace party the ascendancy and all awaited the result of the commission to Cos.

About the first of July, Don Lorenzo de Zavala, late governor of the state of Mexico and minister to France, arrived in Texas. De Zavala was a true patriot and supporter of republican institutions. Informed of the treason of Santa Anna, he resigned his office as minister, and sought refuge in Texas, where he was heartily welcomed. On receipt of the news at the capital of the arrival of De Zavala in Texas, an order was issued for his arrest. At that time, the following persons were proscribed and ordered to be arrested: Francis W. Johnson, R. M. Williamson, William Barret Travis, Samuel M. Williams, Mosely Baker, John H. Moore, J. M. Carbajal, and Juan Zambrano.

On the arrival of the commissioners, Barrett and Gritten, at Gonzales, they met a courier from Colonel Ugartechea with an order for the arrest of De Zavala and the other proscribed persons. The commissioners detained the courier until they could go to San Antonio de Bexar and try to get the order countermanded. They arrived at San Antonio on the 5th of August, and had several interviews with Colonel Ugartechea, but he assured them that the order could not be rescinded and that General Cos would not receive the commissioners until the colonists had proved their fidelity by making the arrests. This proved, in fact, to be the case; for a letter arrived from Cos at this moment saying that he was greatly pleased with the accounts that had reached him of the proceedings of the joint committee at San Felipe, and that the arrests must be insisted upon. At the same time he forwarded to Ugartechea an additional order which he had just received from the Minister of War and Marine for the apprehension of De Zavala. In transmitting this order to Colonel Ugartechea on the 8th of August Cos

² For corroboration of Johnson's conclusion about Gritten, see an article by the editor in *The Quarterly* of the Texas State Historical Association, XIII, 145-152.

instructed him, if De Zavala was not given up to proceed at the head of all his cavalry to execute the command, and to give the local authorities on the route information as to his sole object. Cos also, approved of Ugartechea's requisition upon the alcaldes for the other obnoxious individuals previously mentioned, and especially Travis, whose arrest he ordered, that he might be conducted to Bexar, to be tried by a military court. In the face of this demand Barrett and Gritten determined to suspend their mission until they could get additional instructions, and for that purpose Gritten returned to San Felipe to consult the joint committee. Before taking this step, however, he and Barrett despatched the following letter to General Cos in the hope of convincing him of the earnest desire of the Texans for peace.

"BEXAR, August 9, 1835.

. . . "You have already the notice of our mission to this commandancy as a canal of communication to the General Government from the Political Chief of the Brazos. And thus it is that the object of this communication is to let you know that in spite of the great desire that we have to come and destroy in your mind, and through you, in the mind of the General Government, the idea which you have formed that the unlawful proceedings of certain citizens of Texas came from the majority, we are now sorry to inform you that our departure will not take place until Mr. Gritten returns from San Felipe. The object of his journey is to get instructions sufficiently extensive to cover all cases that may arise, or may be considered as belonging to our mission, which is to solidify the work of conciliation, interrupted before, but which we rejoice to see from the last advices directed by you to Colonel Ugartechea, has begun again. You may well believe that all the Texans are not revolutionists, nor bad, and that the greater part of them are pacific, and we desire very much to confirm personally this assertion. And that we will have the honor to do as soon as Mr. Gritten comes to the Mission La Bahia on his return from San Felipe. In the meantime we anticipate an interview by means of this communication in the hope that it may serve to predispose you in favor of our mission, which is to promote the best interests of Texas, and to preserve with the supreme federal government the good understanding that ought to exist in an advantageous manner between the Texans and the other integral parts of the Republic.

"God and Liberty.

"D. CARLOS BARRETT,
EDWARD GRITTEN."

The following letter written by Ugartechea to Cos on August 8 gives some additional points concerning the suspension of the mission to Matamoras:

"Since I directed to the Political Chief of the Brazos and the Ayuntamientos of the same the communication which I remitted to you in copy, dated the first instant, demanding the arrest of Zavala and of the other foreign ringleaders of the revolution in the colonies, Don Edward Gritten and another person have presented themselves to me in the character of the Department of Brazos, for the purpose of going

to you and holding an interview upon the matters contained in the copies annexed which Señor Gritten has made for me.

"While I did not prevent their going to Matamoras I made it clear to them that so long as they did not make the arrest of the said persons they could not succeed with you. Consequently Gritten and his companion, Don D. C. Barrett, agreed that one of them should return to San Felipe to explain this to the political chief and ayuntamientos. At the moment when he was preparing to leave, I received your letter in which you inserted the one you wrote the said political chief on the 1st inst., which corroborated all that I had said. After allowing them to see this they decided that one of them should go back immediately to urge effectively the compliance with your orders and for this reason I have sent him back to San Felipe by special express, according to your instructions.

"At the same time I improved the opportunity to demand of the political chief the arrest of the deputy Carbajal and Don Juan Zambrano who have taken a prominent part in the political disturbances. And I do not doubt but that in accordance with the necessity which they are under of showing the good intentions of the colonists they will make the arrest not only of those individuals but of the others already mentioned as well. I am the more of this opinion because their greatest desire is to avoid the introduction of troops into the colonies." . . .

The meeting by which Barrett and Gritten were appointed had adjourned to meet on the first of August. On that day only three municipalities were represented. No other delegates appearing, on the third of the month the political chief prorogued the meeting and informed the members that if anything should occur making it necessary, he would call another meeting. When Gritten arrived and called upon the chief, Wily Martin, he was informed that the meeting which had appointed him and Barrett no longer existed; and that a new election for members would require considerable time, which would defeat the object of their mission. The chief expressed regret at the delay, believing, as he did, that their powers were sufficient for the object in view. He concluded by informing Gritten that the persons proscribed had left the department of Brazos, that the balance of the war party were still urging Texas to her ruin, by urging a convention of all Texas. Gritten returned to San Antonio and reported these facts to Ugartechea, who seized upon the information that the proscribed persons had left as an excuse for not marching at the head of his cavalry and making the arrests as ordered.

Another attempt of the joint committee to conciliate the government deserves some attention at this point. Feeling that the political chief's precipitate proclamation of June 21 calling for the expedition to rescue the governor and his connection with the meeting that authorized the attack on Tenorio at Anahuac gave ground for suspecting the sincerity of their professed desire for peace, the members of this committee persuaded Miller to yield the office to a substitute. The committee first requested the first alcade of San Felipe, J. H. Money, to assume the

office; but upon his refusal it passed to Wily Martin. Miller's letter to Martin asking him to assume the office follows:

"CHIEFTAINCY OF THE DEPARTMENT OF BRAZOS.

"To Citizen Wily Martin, Constitutional Regidor of the jurisdiction of Austin.

"My health at this time is such that prevents me from discharging my duties as political chief of this department, and as the other officers refuse to act, I call upon you to take immediate possession of the office of Chief until my health will permit me to resume my duties.

"God and Liberty

"JAS. B. MILLER."

"JULY 19. 1835."

There is little doubt that the peace party was in the ascendancy down at least to the middle of August. All parties were apparently of this opinion during the month of July. Gritten, who originally belonged to neither party, but who earnestly strove to prevent the outbreak of war, kept up a correspondence with Ugartechea during that month and assured him that the people desired peace; and we have expressions from both peace and war party men to the same effect. Some of the letters quoted below illustrate this conclusion.³

"GONZALES, July 5, 1835.

"To Colonel Don Domingo de Ugartechea, Bexar.

"MY DEAR FRIEND: Here goes the post in accordance with your desire. According to what Dr. Miller has told me, you want me to give you a description of public opinion in this district; and I shall also indicate to you the rumors that circulate here. This I do, thinking to render a service to my country. And I shall be very happy if I am able to avert in this part of the republic fighting and blood shedding, which would be regrettable as much for the nation in general as for Texas in particular.

"The inhabitants of this municipality and of that of Mina are very much against the measures adopted by the men of San Felipe, and condemn them, protesting their desire to live in tranquillity and in peace with their brothers the Mexicans, with whom they by no means wish to have war, on account of the bad consequences it would have. By what I have observed and the conclusions that I have drawn, the greater part of the colonists desire to avoid any break with the government; but it seems to me that all of them will oppose the entrance of troops. Such a measure would be alarming and provocative of revolution. If the executive could adopt a conciliatory conduct it would meet the support of the sane portion of Texas—which is truly numerous—and would be able then to carry forward the establishment of the customhouses. At the same time a more equitable tariff and other reforms ought to be granted to them. . . .

"In the service of my country I have worked much to convince this part of Texas of the convenience of keeping order; that the supreme

³ This paragraph and the letters of Gritten, which follow, are inserted by the editor. The originals of Gritten's letters are in the Bexar Archives.

government has no intention of sending troops to attack them, and that their constitutional reclamation will be heard by you and by the government.

"All that I write here is for your private information, because if others knew it, it would occasion me a great deal of inconvenience in the colony.

"I am respectfully your friend,

"EDWARD GRITTEN."

"P. S. Before I start from this place I shall write you again. It has rained a great deal and for the present I am detained by the weather. In order to destroy the bad effects of the specious versions given by those who wish to provoke the people of Texas to revolution, assuring them that a Mexican army is coming to devastate their fields and exterminate all the Anglo-Americans, I believe it would be expedient for the supreme government and the military commanders to say publicly and officially that such intentions do not exist, and that no preparations of that nature are being made. For I repeat that, considering the good sense of many of the inhabitants of this country, all that can be done to content them by conciliatory measures should be done, one of which would be a frank publication of the intention to send no troops to Texas."

The next day Gritten wrote again from Gonzales. Captain McCoy had reported that a Mexican had recently been killed on the Colorado, because he was suspected of being a spy, and news had just reached Gonzales of the expedition that had marched against Anahuac. "There is much agitation in Texas," he said, "resulting from the alarming rumors which are, with evil intentions, circulated among its inhabitants; but I am sure that the sane part of the inhabitants do not wish to break with the Mexicans, but wish to preserve peace and union with them. And the affairs of Texas may be improved by means of these very persons, for if they were assured by the competent authorities that there is no intention to send troops to attack them, all would be quiet. I have been informed that many of the reasonable ones declare that if what has been said to them about the troops is not true, they themselves will seek the authors of the resolution for the attack on Anahuac and punish them as examples. Have the kindness, in the interest of order and peace, to allow me to assure them in your name that troops are not coming, and I am sure that all the trouble will cease." From San Felipe on July 17 Gritten wrote again to Ugartechea saying that all the inhabitants, even to the Sabine, unanimously desired to preserve peace. "In my understanding, and in view of the good disposition of these people, no more is needed to consummate the work already begun of pacifying this country than to abstain from bringing troops into it for hostile purposes." Since Gritten was not at this time identified with either party in Texas his disinterested opinion is worthy of considerable weight.

Travis, too, thought that the peace party was the strongest, and his opinion is all the more valuable because he was a leading member of the war party. In a letter of July 30 to James Bowie he said: "The truth is, the people are much divided here. The *peace party* as

they style themselves, I believe are the strongest, and make much the most noise. Unless we could be united, had we not better be quiet and settle down for a while? There is now no doubt but that a central government will be established. . . . What will Texas do in that case? Dr. J. H. C. Miller, and Chambers, from Gonzales, are, I believe, for unqualified submission. I do not know the minds of the people upon the subject, but if they had a bold and determined leader, I am inclined to think they would kick against it. . . . General Cos writes that he wants to be at peace with us; and he appears to be disposed to cajole and soothe us. Ugartechea does the same. . . . God knows what we are to do! I am determined, for one, to go with my countrymen: 'right or wrong, sink or swim, live or die, survive or perish,' I am with them." Other letters from Travis during this period express the same opinion.

From the peace party, on the other hand, we have the following expression from Dr. J. H. C. Miller. Writing from San Felipe on July 25 to John W. Smith of San Antonio, he said:

"All here is in a train for peace. The war and speculating parties are entirely put down, and are preparing to leave the country. They should now be *demanded* of their respective chiefs—a few at a time. First Johnson, Williamson, and Williams; and perhaps that is enough. Captain Martin, once so revolutionary, is now, thank God, where he should be, in favor of peace and his duty; and by his influence, in a good degree, has peace been restored. But now they should be demanded. The moment is auspicious. The people are up. Say so, and oblige one who will never forget his true allegiance to the supreme authorities of the nation, and who knows that till they are dealt with Texas will never be quiet. Travis is in a peck of trouble. Dr. J. B. Miller disclaims his act in taking Anahuac and he feels the breach. Don Lorenzo de Zavala is now in Columbia, attempting to arouse the people. Have him called for, and he also will be delivered up. Williams, Baker, and Johnson are now on a visit to him and no doubt conspiring against the government."

As requested, Smith immediately showed this letter to Colonel Ugartechea, who, misled by it, and believing that the people of Texas would give up their leading men, issued the order for the arrests, as we have already noticed. During the absence of Baker and Johnson in Eastern Texas Wily Martin as acting political chief, issued writs to the several chiefs commanding them to arrest all who were named in Ugartechea's request. On their arrival at Washington at the La Bahia crossing of the Brazos, Baker and Johnson were informed of these proceedings, and that Travis and Williamson had left San Felipe and were secreted in the neighborhood of Captain Chriesman's on the La Bahia road. From Washington Baker and Johnson proceeded to Colonel John T. Coles's near Independence, west of Washington, and near the residence of Dr. James B. Miller, the political chief of the Brazos department. After conferring with Colonel Coles, they agreed that the Colonel and Baker should visit Miller and urge him to return to San Felipe de Austin, and resume his duties as chief. Accordingly, the next day they waited upon the chief and made him acquainted with the action of the people of East Texas, and with the unpopularity of

Captain Martin, the acting chief of the department. Miller, at once, consented to return to the capital of the department, resume his office, and countermand the execution of the writs of arrest. Baker and Johnson then proceeded to Captain Chriesman's, hoping to learn the exact whereabouts of Williamson and Travis and invite them to accompany them to San Felipe de Austin. But Captain Chriesman, although he knew they were in the neighborhood, could not designate the exact location, hence Baker and Johnson proceeded to the house of Colonel William Pettus, spent a night with him, and communicated the good news. The next morning Pettus accompanied them to San Felipe. On their arrival they were hailed with joy and cheered. A few hours later, Travis and Williamson arrived in town, and received a like greeting. Thus was the chief bearded in his den! The next day Miller arrived, resumed his office, and all went well.

More particular attention must now be given to the activities of the war party. These consisted chiefly of spreading through the country reports of the progress of centralization in Mexico and of the determination of the government to overwhelm Texas by a military occupation and expel from the country all who had not fully complied with the colonization regulations. In general, the men from whom these reports were obtained had but recently returned from Mexico, and were therefore in a better position to guess at the intentions of the government with regard to Texas than were those who remained at home. A few extracts from letters and documents of the time will illustrate the character of these reports.⁴

James Bowie wrote J B. Miller on June 22 from Hatch's Plantation on the Lavaca: "I have just arrived here from Matamoras and as all communication is cut off between Texas and all other parts of the Republic I take this opportunity of giving you some information that may be useful to Texas. I left Matamoras on the 12th of the present month. All the vessels in the port were embargoed for the purpose of transporting Troops to the coast of Texas. The commandant Gen. Cos forbid all foreigners from leaving the city under any circumstances. I run away and succeeded in getting this far safe. Three thousand Troops had reached Saltillo on their way to Texas. All this may or may not be news to you. I will be with you in a few days by the way of Brazoria."

On July 4 J. M. Carbajal wrote Philip Smith: "On the 15th [of June] I arrived here in great haste. Things in the interior are in a great confusion. The government and a part if not all of the permanent deputation, etc., are prisoners, because they tried to come to Texas and to be free from the military intervention of the supreme authorities of this state. Our only hope as well as that of the whole nation depends upon the intrepidity of the free and enlightened and noble resolution of the people of Texas. The liberties which our farthers gave us are now usurped by the military despots; and the rights and privileges of citizenship of those not fortunate enough to have been born in the republic have been destroyed by acts of the general congress. Thus goes

⁴ This paragraph and several of the documents which follow are inserted by the editor.

our political world, the strong man has justice on his side. I hope to see you soon."

Ben Milam wrote Johnson from prison at Lampasas on July 5: "The whole of this part of the state has and will support the central Government. The Interior, from the last information we have, has fallen into the central system, Santa Anna is Dictator. The constitution is thrown away, and ridiculed by those who used to call themselves Federal Republicans.

"The plan for the dissolution and destruction is laid, and every preparation is making for its execution. In the last ten days two hundred troops have left this quarter for San Antonio; and from the best information I can collect two thousand more will be on their march in a few weeks. Their intention is to gain the friendship of the different tribes of Indians, and if possible to get the slaves to revolt. These plans of barbarity and injustice will make a wilderness of Texas, and beggars of its inhabitants, if they do not unite and act with promptitude and decision. If the Federal system is lost in Texas, what will be our situation? Worse than that of the most degraded slaves. The hopes of the Republican party here are all on Texas. I trust they will not be deceived. The people of Texas will never submit to a Dictator."

On July 19 J. J. Linn wrote Miller from Victoria in De Leon's colony: "The general current of opinion seems to look to you, as may be said, as principal for guidance in the momentous question that now must soon be determined, either by putting our necks in the yoke of military despotism, or bravely stand, and defend our just rights, for it is beyond doubt that Santa Anna is determined to try his fortune by endeavoring to subdue Texas, as he has Zacatecas, and despoil her also; it is true that Santa Anna has not declared himself openly, but look to the acts of his minions, and particularly the principal one, General Cos, who has imprisoned our Governor and some of the members of the assembly, and holds them, to be tryed by a military tribunal, as soon as one can be formed, or as soon as they are sure of the reduction of Texas. General Cos has caused the authorities of Matamoras, Reynosa, Camargo, Mier, and Reveillia to declare for a central Government, and Santa Anna supreme dictator. As soon as he obtained this, he gave an order for a portion of the militia of each place, but fortunately, the people were advised of this, and fled their towns, and a great portion of them are in this district; so much for the intentions of Santa Anna, and from all the orders that have come to Goliad, Santa Anna is in Matamoras this day, and will embark as soon as possible all his disposable troops for the Copano, with the exception of four hundred for Anahuac, the latter I expect are, or will be landed in a few days; the whole amount of troops will be from four to five hundred, and Bejar, is to be the principal depot; the last news that came, which have disturbed the people very much, is that it is the intention of Santa Anna to billet the soldiers on the people, by placing five in each family, in rotation, with the boarding, washing and lodging at the expense of the individuals. Two hundred has actually arrived and is now in Goliad, and will march for Bejar in a few days under the command of Colonel ———, who is to replace Ugartechea; the latter, I was informed by the commandant of Goliad, was not considered by Santa Anna a whole hog man, which

caused his removal,—thus stands the affairs, as far as certain information has been made known to me. I have been requested to write to you to state the views of the majority of the people of this district who have come to the resolution that, if they are assisted by the other colonies, to march immediately and take those two hundred men, Goliad, and Bejar, before any more reinforcements comes; and cut the remainder off in detail. As they have to come in small number, the object can easily be effected, as the situation of the country, and the passes affords the greatest advantages for our defence. Let it be no longer said that the land speculations were the primary cause of the arrest of our public authorities, for let any dispassionate observer look at the letters of Cos, he will see that he had orders to arrest, and had given his orders accordingly to the officers of the different stations, to arrest them so soon as they attempted to move, for, like Zacatecas, Durango, and Chihuahua, Texas would not consent to have the militia disbanded, which was the object intended to pave the way to the intentions to Santa Anna's Dictatorship with less opposition."

Similar reports were published on August 22 and 28 by the committee which drafted the call for a convention, and on August 28 the same committee issued in handbill form the following statement by Horatio A. Alsberry:

"Arriving this day from Monterey, the capital of the state of New Leon, which place I left on the 10th inst. and being requested by the chairman of the committee of Safety and Correspondence for the jurisdiction of Columbia, to detail the information which I possess in regard to the designs of the Mexican Government towards the people of Texas, I make the following statements, for the truth of which I stake my reputation, and appeal to time to establish every fact herein stated: I left the state of New Leon on the 10th of this month with a request from our republican friends to say to the citizens of Texas that our only hopes of *future liberty and security depended upon our immediately* taking steps to oppose the military in their establishing a Central Government of an arbitrary despotism which is without doubt their intention.

"I have frequently conversed with their principal men, Civil, Military and Ecclesiastical, I may say almost daily for years, and particularly since the downfall of Zacatecas, about their intentions towards Texas, and I can assure you that this is their intention; first, to move large numbers of troops, at least thousands, to Texas . . . 2nd to establish their posts on Custom Houses; 3d. Using their own language, to burn the houses and drive from the country a number of our principal citizens, which they have, and have had on a list for a year past, principally those that were engaged with the soldiers three years since; 4th put their slaves free and let them loose upon their families, as they express themselves . . . I pledge my life and honor that these statements are correct."

At the same time, war-party orators were making the most of such rumors and scraps of information as reached them. On July 4 R. M. Williamson published an address to the people of Texas, explaining the motives of the public meeting at San Felipe on June 22 and warning them of the dangers that threatened the country. He said in part:

"I have been your fellow-citizen for years and you cannot believe that I am influenced by speculation. On the honor of a man I assure you that I have all to lose and nothing to gain by the disturbances of our country; and I am in no way connected with the speculation or the speculators. Fellow-Citizens: You are in the midst of a revolution that threatens your destruction, and without knowing it, you stand on a precipice that crumbles beneath you, and threatens to precipitate you in the abyss below. You are lulled to sleep in the belief that speculation alone has created the present excitement. But be entreated no longer to indulge in this dangerous belief, but to examine for yourself the true situation of affairs. Examine for yourselves the late movements of the general government. Look into their ulterior designs as avowed by congress, and you will perceive that so far from speculation having anything to do with the present subject that the troops of the general Government are on their march to Texas, for the purpose of compelling you to either leave the country or submit to an imperial government with strong military stations in your country to awe and keep you in subjection.

"Your republican form of government is broken down, your state authorities have by the military been driven from the exercise of their constitutional duties, and [they] detain in custody the Governor of your state, and of your choice. Not only in Coahuila has this arbitrary and despotic course been pursued, but other states of the federation mourn the loss of their constitutions and their liberties, and at this moment the proud and gallant and republican state of Zacatecas mourns the loss of two thousand citizens, slain in battle by the troops of Gen. Santa Anna, and the survivors now endure the galling chains of military rule. Durango and other states have fallen beneath the rule of military power, and every state and province of the Mexican Republic (excepting Texas) have submitted to the Dictator."

Williamson then recounted the encroachments of Santa Anna upon the constitution, the dissolution of the state government of Coahuila and Texas, the suppression of Zacatecas and other states that opposed Santa Anna's plan, and dilated at length upon the law abolishing the state militia.

"All the states have succumbed to the military, and as Texas is the only spot unconquered, Santa Anna is marching his troops here to compel a submission to the new Government. And the people have to determine whether they also will yield to the power of the Dictator. Give up their arms, suffer their country to be garrisoned with strong military posts, and live under the rule and sway of the military. They must do this or they must prepare for war; they must submit to the military government or they must defend their province and their rights with the sword and the bayonet, and they must do this without delay for the enemy is fast advancing on our country.

"Fellow-Citizens, Let me again assure you that this is the true state of affairs. These the reasons that actuate the General Government. The sale of the four hundred leagues of land has nothing to do with the subject. You are justly indignant at that sale, so also am I, so also is the meeting which I represent; but that can and ought to have no weight with the public mind at this time. It is too inconsiderable

to be noticed when compared to the importance of our country, our property, our liberty and our lives; which are involved in the present contest between the states and the military. Two spies from Colonel Ugartechea, stationed at San Antonio, were arrested at San Felipe, and in their possession the official correspondence of Ugartechea and General Cos was found. General Cos writes to the commandant at Anahuac that the two companies of New Leon, and the Morales Battalion would sail immediately for Texas and that they would be followed by another force, which he had solicited the government for, and which he had no doubt would be obtained. Colonel Ugartechea says that the business of Texas will be soon regulated, as the government has ordered a large division composed of the troops that were sent against Zacatecas to Texas and which are now at Saltillo; that force is three thousand four hundred men.

"For what, Fellow-Citizens, are they coming? in the name of GOD, say not speculation; they are coming to compell you into obedience to the new form of Government; to compell you to give up your arms; to compell you to have your country garrisoned; to compell you to liberate your slaves; to compell you to swear to support and sustain the government of the Dictator; to compell you to submit to the imperial rule of the aristocracy, to pay tithes and adoration to the clergy. For these purposes, Fellow-Citizens, they are coming, and for this purpose a party of soldiers it is said have already landed at Copano . . . Five hundred troops can so fortify San Antonio as to resist the united attack of all Texas. In that situation they have only to send out their parties of men and harass and destroy the country, without ever coming to a pitched battle; they will so annoy and harass the country by continual depredations and alarms that, wearied out, dispirited, and disheartened, the people will gladly retreat beyond the Sabine. When you least expect it they will descend upon you and call you from your fields to battle and before you can rally, they will kill and burn and destroy. In the depths of winter they will call you by their depredations to the field, and a thousand attacks and a thousand false alarms will destroy your patience and your property and make your country not worth contending for. But, if possible, even worse than all this, you permit an enemy to be there stationed that will send the Indians continually upon you.

"Inhabitants of the Frontier: Your situation will be deplorable; instigated and protected by the Mexicans, the Indians will be your constant enemies; they will be the continued ravagers of your country and destroyers of yourselves. If you drive them from your neighborhood, they will seek refuge and protection under the troops of San Antonio, and will retire only to return with renewed violence and destruction. You will hear around your habitations the Indian yell mingling with the Mexican cry, and the shrieking of your murdered wives, rousing the slumbers of the cradle from the midst of your burning dwellings will tell you, when too late, of the error of your policy in permitting San Antonio to be garrisoned by Mexican troops. Fellow-Citizens, depend upon it your policy is wrong and the danger great. If you would save the country and protect the frontier, San Antonio must be taken. . . .

"Three-fourths of the people are new comers and have as yet received no titles to their lands, the last legislature passed a law decreeing that every person in Texas should receive their land, but before the commissioners were appointed the Governor was arrested. In what manner are these citizens to get the titles to their lands? The intention and policy of the present ruling authorities of the nation is to destroy the system of colonization and so soon as the military become possessed of Texas that soon will the last league of land be given to North Americans; instead of receiving the titles they will be declared foreigners and driven from the land. . . .

"Fellow-Citizens of Texas, our interests are common, and no possible reason can exist for a difference of opinion. We may differ as to the mode to be pursued, but one sentiment can pervade every breast; which is the safety and protection of our country. Let us by all means harmonize and act in concert, for it is only in union that we are strong, only united can we succeed. Let us no longer sleep in our posts, let us resolve to prepare for War; and resolve to defend our country against the danger that threatens it. A sacrifice has to be made. Let us sacrifice a portion at once in order to secure the remainder. Already we can almost hear the bugles of our enemies; already have some of them landed on our coast; and you must prepare to fight. Liberty or Death should be our determination and let us one and all unite to protect our country from all invasion, and not lay down our arms so long as a soldier is seen in our limits."

On the 8th of August a meeting was held at Lynch's on the San Jacinto, to which Don Lorenzo de Zavala was invited. He did not attend, on account of indisposition, but addressed a letter to the meeting, in which, among other things, he recommended the call of a council or convention of all Texas. Zavala is entitled to the second honor in this respect, and John A. Wharton to the first. De Zavala says:

"Having been invited to attend the meeting of citizens to be held on the 8th inst. to take into consideration the important subjects which produce the present excitement, I regret that I am prevented from attending in person by an attack of the intermittent fever.

"But, as I consider that a simple manifestation of my opinions on the subject might be of much service in establishing those of the citizens, a majority of whom must declare the fate of the country, I submit to the examination of the meeting the following reflections.

"In the first place, I must say of myself that in this I have no individual view or motion—that I have occupied in the Mexican nation the most honorable stations; that I have written a history of the revolutions of the country with such impartiality that even my enemies have acknowledged it the only monument of the kind worthy of attention.

"In the second place, that, having received from Gen. Santa Anna the appointment of minister plenipotentiary to the court of his majesty the king of France, I resigned this charge as soon as I learned that he had dissolved the congress and taken all authority into his own hands. Third, that having resigned this station, I have come to Texas to establish myself among free citizens, to cultivate the lands which I had previously purchased.

"Having made these preliminary remarks I proceed to express my opinions respecting the *nominal* Mexican Republic.

"First. The regulating power in Mexico is the military. Certain generals, at the head of whom Santa Anna happens now to be placed, and who have under their control from fifteen to twenty thousand hireling soldiers, have destroyed the federal constitution, of which General Santa Anna, in order to be promoted to the presidency of the republic, pretended to be the defender, when, with a show of patriotism he alleged that it was attacked by General Bustamante.

"Second. The present situation of the Mexican nation is that of the greatest confusion and disorder, because all the constitutional authorities having ceased, their places have been supplied by military chiefs, who know no other law than that of the sword and of violence, by which they have put down the civil authorities. The consternation which this has produced among the Mexican citizens has reduced them to a momentary silence and this silence the military chiefs of Mexico call tranquillity, peace and order in the republic.

"Third. To pass over the acts of usurpation committed by General Santa Anna, such as the dissolution of the congress and council—the unconstitutional and violent deposition of the vice-president, Farias—the extension of the powers given to the electors to reform the constitution—the destruction of the civic militia—and others of equal magnitude which in the United States of the North would be sufficient to convict the president of treason—the final blow aimed at the institutions in the capital, on the 12th of June, the day on which was declared the destruction of all the state legislatures, an act committed under the auspices and protection of the president Santa Anna, and of the vice-president Barragan, would of itself be sufficient to destroy all claims to obedience which exist, and which can only continue in virtue of the federal compacts.

"Fourth. While in the capital they were thus destroying the institutions, and issuing orders to the military commanders of the states, that others should be established, the latter published official notes, swearing in their usual manner that they would sustain the constitution and laws, and that their only object was to punish certain functionaries who had transgressed them, thus availing themselves of the power of destroying the constitution under the pretext of punishing delinquents. This may be seen from the official notes of General Cos and Colonel Ugartechea, in which they seize upon the inexplicable sale of lands as a pretext to justify the imprisonment of the governor of this state, Viesca, proceeding immediately to put down the legislature and other authorities of the state, with the exception of those only established in San Felipe and Nacogdoches which were out of the reach of their power. To make up for this, General Cos thought proper to make these authorities dependent upon himself, thus making those of popular origin subservient to the military.

"Such is the actual relation in which Texas stands to the Mexican republic. I might make conjectures as to the development of this political labyrinth; but I propose to myself to speak only of facts.

"The fundamental compact having been dissolved and all the guarantees of the civil and political rights of citizens having been destroyed,

it is inevitable that all the states of the confederation are left at liberty to act for themselves, and require Coahuila and Texas to provide for their security and preservation as circumstances may require. Coahuila and Texas formed a state of the republic, and, as one part of this is occupied by an invading force, the free part of it should proceed to organize a power which would restore harmony, and establish order and uniformity in all the branches of the public administration, which would be a rallying point for the citizens, whose hearts now tremble for liberty! But as this power can be organized only by means of a convention, which should represent the free will of the citizens of Texas, it is my opinion that this step should be taken, and I suggest the 15th day of October as a time sufficient to allow all the departments to send their representatives.

"LORENZO DE ZAVALA."

"Postscript.—As among the grounds on which the Mexican officers require the obedience of the inhabitants of Texas there is one which might influence some by the gratitude occasioned by the recollection of the act, I cannot pass it over in silence. It is said that the inhabitants of Texas are indebted to the supreme government of Mexico, and to those of the state for the laws giving them the land which they cultivate.

"This is true; but it must be remembered that those governments were formed of the same men who are now persecuted, among whom I have the honor to count myself one. A party composed of the military, ecclesiastics, and Spaniards, would never have thrown open their country to foreigners."

This letter was dated at Sloop Point, Texas, August 7th, 1835.

The activities of the war party produced little effect at first because the people believed that the alarming rumors were being spread by land speculators who hoped in some way to profit by an agitation of the public. This belief has been shown by a number of the documents which have already appeared in this narrative, notably by Williamson's address of July 4. It is more strikingly shown by the following letter, written by James Kerr, from Gonzales, on July 5, to Judge T. J. Chambers:⁵

"Williams, Johnson, Carbajal, Bowie, and others cry, 'wolf, wolf, condemnation, destruction, war, to arms!' Williams says, 'I have bought a few leagues of land from the government; but if they don't bring the governor to Bexar, I shall not be able to get my titles.' What a pity; and with his terrible tales I am astonished to see that they have had the cleverness to excite some persons of that colony to a high degree.

"In regard to those delinquents against the laws of the country and against honor and morality who were concerned in the illicit buying and selling of the 650 sitios of land in Monclova, there is not in my opinion, in all the country one single person, with the exception of the interested ones, who would wittingly seek his own ruin in order to save thousands like Williams and the others. But they have been able perhaps to deceive many persons and make them believe that *an army*

⁵ This paragraph and the remainder of the chapter are inserted by the editor.

is coming to destroy their properties and annihilate their rights in Texas.

"Carbajal has taken flight to San Felipe. When he passed through my neighborhood he spoke with words full of alarm; but the inhabitants of La Vaca and Navidad are inclined to attend to their ranches and estates, and they say that if the government wishes to seize those criminals and collect the legal duties in its custom houses, it may do so. It is my opinion that if an armed force were sent to Texas, it would be very prejudicial and ruinous to the nation. Imagine for a moment the number of officers—to say nothing of the soldiers—who would fall under the fire of the muskets. Nevertheless, a war would inevitably be disastrous for Texas, and what would the nation not lose by it! Imagine it yourself, some 20,000 or 30,000 men. What, all that for some ten rascals who have fraudulently taken from the government and from the towns 650 sitios of land? God forbid such a thing!"

Even the peace party, however, was opposed to the military occupation of Texas and most of its members were unwilling to surrender the citizens demanded by Ugartechea and Cos. When it became evident, therefore, that the troops would not be withheld from the country nor the demand for the arrests withdrawn, many who were indifferent to the political changes began to think of resistance. The change of public opinion which took place toward the close of August is well shown by an extract from a letter written by Travis to his friend John W. Moore on August 21. Writing from San Felipe he said: "When I returned from your place I found the tories and cowards making a strong effort, and for a time they were but too successful. I was, therefore, disgusted, and wrote you but little, as I had nothing to communicate but what I was ashamed of, as a free man and a friend of my country. It is different now, thank God! Principle has triumphed over prejudice, passion, cowardice, and slavery. Texas is herself again. The people in the whole upper country are unanimous for a convention in which the voice of the people will be freely expressed. . . . A tremendous reaction has taken place and the tories are almost as bad off as they were in 1832." The people were already working around to this state of mind, said Travis, when the demand for the arrests completed the revulsion of feeling.

CHAPTER XIV

CALLING THE CONSULTATION

As we have previously seen, on July 25 William H. Wharton, W. H. Bynum, W. D. C. Hall, A. Calvit, S. Whiting, P. Bertrand, W. T. Austin, and W. G. Hill circulated a petition for a meeting at Columbia on July 30 to consider "the importance of having a convention of all Texas, through her representatives, for the purpose of restoring peace and confidence." When this meeting assembled it became apparent to Johnson that the sentiment of a majority was averse to calling the consultation at that time for fear of interrupting the peace commission of Barrett and Gritten, and to avoid an adverse vote he induced Josiah H. Bell, a leader of the peace party, to use his influence to get an adjournment without action. In adjourning it was agreed that another meeting should take place at Columbia on August 16. But as their proceedings show, nearly all of the public meetings held during July and early August strongly urged a general convention, and on August 9 a printed circular subscribed by a hundred and thirty-four citizens was issued from Brazos urging the convention: "We whose names are hereunto subscribed are of opinion that a convention of the people of Texas is best calculated to quiet the present excitement and to promote the general interest of Texas; we acknowledge the doctrine of 'The Right of Instruction,' and we therefore recommend to our fellow citizens the call of a convention, and we further recommend that the delegates to said convention be instructed, so that no party may rule, and that the people be fairly represented."

The final procedure in the calling of the convention can be given in the words of William T. Austin, secretary of the Columbia meeting of August 15. The minutes of this meeting with other documents were published in *The Texas Republican* of August 22 and 29 and were also widely circulated in hand-bill form. "At an adjourned meeting of the citizens of the town of Columbia held in Columbia, on Saturday the 15th day of August, Wm. H. Wharton, Esqr. was called to the Chair, and Wm. T. Austin appointed Secretary, when the following resolutions were adopted:

"Resolved. That a Consultation of all Texas through her representatives is indispensable.

"Resolved. That a committee composed of fifteen persons, *to be called a Committee of Safety and Correspondence for the Jurisdiction of Columbia* be elected and that they be instructed to prepare an address to all the Jurisdictions of Texas requesting them to co-operate with us in the call of a consultation of all Texas.

"Resolved. That the Committee communicate with all Texas in the

most prompt manner by sending confidential agents to each Jurisdiction and that said committee keep the people correctly advised of all political intelligence of general interest and that they continue to act until displaced by the people or the consultation.

"Resolved. That we hold ourselves bound to pay our proportion of all expenses incurred by said committee in sending expresses, printing, etc.

"Resolved. That we invest the committee of safety and correspondence as our agents with full power to represent the Jurisdiction of Columbia, to use the most efficient means to call the consultation, and to use all means in their power to secure peace and watch over our rights.

"Resolved. That we will not give up any individual to the Military authorities.

"In compliance with the second resolution the following gentlemen were elected a committee of safety and correspondence: John A. Wharton, W. D. C. Hall, Henry Smith, Silas Dinsmore, James F. Perry, John G. McNeel, Robert H. Williams, W. H. Jack, F. A. Bingham, John Hodge, Wade H. Bynum, B. T. Archer, Wm. T. Austin, P. Bertrand, and Isaac T. Tinsley."

"WM. H. WHARTON, *Chairman*,

"WM. T. AUSTIN, *Secretary*."

"COMMITTEE ROOM, VELASCO, August 18th, 1835.

"Pursuant to the second resolution adopted by the meeting held in the town of Columbia on the 15th inst. a meeting of the committee of Safety and correspondence was held in the town of Velasco, on the 18th inst. Members present, John A. Wharton, Wm. H. Jack, Warren D. C. Hall, Branch T. Archer, Isaac T. Tinsley, Henry Smith, Robert H. Williams, Francis A. Bingham, Peter Bertrand, John Hodge, Silas Dinsmore, W. H. Bynum, and William T. Austin, when Branch T. Archer was called to the Chair and Wm. T. Austin elected Secretary.

"A committee was appointed to address the Citizens of all Texas for the purpose of bringing about a Consultation as resolved by the Columbia meeting.

"The chairman was authorized to appoint delegates to the different Jurisdictions of Texas.

"Resolved, That the address submitted by the select committee in compliance with the first resolutions be adopted and that John A. Wharton, Esqr. be requested to superintend the printing of the address and also to collect and publish the facts and evidence which may be deemed necessary and that one thousand copies of the address be published.

"Resolved, That this committee recommend a suspension of all judicial proceedings of a civil character except in cases of urgent necessity.

"Resolved, That F. A. Bingham, John Hodge, Henry Smith, Branch T. Archer, Robert H. Williams, and Peter Bertrand, be appointed a committee to open subscriptions and receive contributions of money for the purpose of defraying the costs of printing, sending expresses and other necessary expenses.

THE ADDRESS OF THE COMMITTEE

"Fellow-Citizens:

"The undersigned have been elected by the people of the Jurisdiction of Columbia, a Committee of Safety and Correspondence, and have been instructed to address you for the purpose of obtaining your co-operation in endeavoring to produce order, confidence, and government out of the present deplorable chaos and anarchy. It is unfortunately too true that Centralism with the rapidity of magic, has succeeded our late confederated form of government. Our governor is in captivity and our legislature dispersed by the bayonets of the soldiery. The Constitutions which we have sworn to support are thereby trampled under foot—in short we occupy the unenviable attitude of a people who have not a shadow of legitimate government. The loss of all confidence at home and abroad is, and will continue to be, the consequence of this state of things. Immigration will entirely cease. The law of the strongest will be the only law that will prevail and nothing but doubt, confusion and violence will overshadow the land. After the most grave and mature deliberation the people of this Jurisdiction have conceived that a Consultation of all Texas through her representatives is the only devised or devisable mode of remedying the above recited evils and have instructed us to urge upon you to unite in bringing about such Consultation as speedily as possible. Some persons object to a Gen'l Consultation on the ground that it is unconstitutional; admitting it unconstitutional we would ask if the Constitution authorized the consultations that formed the plans of Jalapa and Vera Cruz by which Bustamente and Santa Anna worked out their elevations; or if it authorized the late consultations of the city of Toluca and of the hundred other towns which have declared in favor of Centralism. A Consultation is more indispensable to us than to any other portion of the Republic, for since the imprisonment of our governor, the dispersion of our legislature, and the adoption of Centralism we have no constitutional organ through which to speak.

"It is too evident to admit of argument that the state of which Texas is a part being recognized as one of the contracting parties on forming the constitution, we are not bound by any change of government or infraction of the constitution until our assent is obtained. How is that assent to be arrived at? We contend only by general Consultation, the constitution and all officers under it having perished in the Anarchy that at presents surrounds—and that unless something is done is likely soon to overwhelm us.

"Some seem to imagine that the present difficulties can be quieted by remaining inactive and venting their endless and unavailing curses on the heads of the land speculators, and war party, as they are termed. We profess ourselves as a matter of public policy diametrically opposed to all large monopolies of the public domain like the late land speculation; and equally opposed to the principle of any person or party rashly involving us in difficulties against the consent of the majority and we wish a consultation among other things for the purpose of devising some plan to prevent the remainder of our public lands from being trifled away; and also to prevent a few rash individuals from

deluging us with all the horrors of a war without our consent, and before we are prepared. Unless some concerted plan of action is determined on in general Consultation such involvment is inevitable, for a great many believe in the hostile intentions of the government and have sworn to resist with their lives the introduction of armed force. Some seem to imagine that everything can be done by neighborhood or Colony meetings, suddenly assembled, as suddenly dispersed, and always acting under excitement.

"We would ask if a Consultation of all Texas composed of members selected for their wisdom and honesty and their deep interest in the welfare of their country, who would deliberate calmly and in full possession of all the necessary information, we ask would not a body like this be apt to restore order and peace and confidence and would not its acts and its doings be more respected by the government, the people of Texas, and the world than the crude conceptions and rash determinations of a hundred or a thousand hastily convened meetings? We conceive it anti-republican to oppose a consultation. It is tantamount to saying that the people cannot and shall not be trusted with their own affairs. That *their voice* shall be stifled and that a *few* shall rule and dictate and lord it over us as is now, and always has been the case in this land of our adoption. What the Consultation may do when it meets we cannot venture to predict. Knowing however that it will speak the voice of the majority; and recognizing the republican principle that the majority are right, on its decisions we will fearlessly stake our lives, our fortunes, and our sacred honor. If (which we believe impossible) that majority should require us to yield servile submission to a form of government or to anything else that would disgrace us as free born men we would not counteract its decision—but would claim the privilege of removing ourselves from a land where such base and abject doctrines prevail.

"The only instructions which we would recommend to be given to our representatives is to secure peace if it is to be obtained on constitutional terms, and to prepare for war—if war be inevitable. We herewith send you information for the truth of which we *vouch* calculated to convince the most incredulous that there is every prospect of our being soon invaded, the bare probability of which is certainly sufficient to make any prudent people meet together and provide for their protection. Those who are in favor of peace, as no doubt all of us are, should earnestly recommend a consultation, for whether the government is hostile or not many believe it and will predicate on that belief such acts of violence as will most undoubtedly involve us in war—in short a Consultation is the only mode of securing peace promptly and permanently—or of carrying on war efficiently and successfully.

"We propose, fellow-citizens, that each jurisdiction elect five individuals, the elections to be ordered and holden by the Committees of Safety and Correspondence, on the 5th October and the Consultation to convene in Washington on the 15th of the same month. We propose that each member use every exertion to ascertain the population of his jurisdiction. And we propose and request that each jurisdiction hold public meetings and elect committees to correspond with the committees of all other parts of Texas. In conclusion, fellow-

citizens, we trust and implore that all party feeling and violence may be buried in oblivion and that we may go on together in harmonious concert prospering and to prosper. We all have a common interest and are desirous to accomplish a common object—namely the welfare of Texas with which our own is indissolubly identified. We are now travelling different roads and devising different plans because we do not understand each other on account of our dispersed and scattered settlements, on account of the impossibility of disseminating correct information, and on account of the universal prevalence of faction, party spirit, rumor, and violence in every corner of the land. With the hope and the belief that you will co-operate with us in bringing about a consultation and that the happiness of all Texas may be promoted by its deliberations we subscribe ourselves your friends and fellow-citizens. Done in the committee room, in the Town of Velasco, on this the 20th of August, 1835.

"B. T. ARCHER, *Chairman*.

"JOHN A. WHARTON,

"SILAS DINSMORE,

"I. T. TINSLEY,

"ROBERT H. WILLIAMS,

"P. BERTRAND,

"WARREN D. C. HALL,

"W. H. BYNUM,

"HENRY SMITH,

"WM. H. JACK,

"FRANCIS BINGHAM,

"JOHN HODGE.

"WM. T. AUSTIN, *Secretary*."

INFORMATION

"The Committee of Safety and Correspondence for the Jurisdiction of Columbia have no additional information to offer the public, in regard to the present crisis than the statements of individuals who have lately arrived from the Interior. Those statements would not be made public but the source from which they are derived is unquestionable. We are informed that the idea of flooding Texas with troops has long since been formed, and that Santa Anna has been heard to declare that he would drive every Anglo-American beyond the Sabine. That the plan adopted for the introduction of Troops into Texas as formed was this—they were to be introduced in small numbers, so as not to excite the apprehension of the Colonists, and for the '*express purpose*' of enforcing the revenue laws. And that in accordance with that plan, in addition to the troops now at Bexar, five hundred more in the month of May last actually embarked at Tampico for Matagorda, and that after the vessels which were to have transported them had weighed anchor, a courier arrived bringing news of the breaking out of the revolution in Zacatecas, and that they were disembarked immediately, and proceeded forthwith to that place to crush the spirit of republicanism in that unfortunate state,—the result of that expedition will never cease to be regretted whilst liberty has a votary. That that plan is now abandoned, and that the present plan is to introduce an *overwhelming force*; and at one blow to prostrate Texas. They boast that they will bring 10,000 Soldiers, and that they will be here this fall, or early this winter. The young officers of the army are particularly chivalrous; and manifest great anxiety to flush their maiden swords in the blood of the citizens of Texas.

"This information, coming before the Committee of Safety and Correspondence for the Jurisdiction of Columbia, from authentic sources, they have thought proper to lay it before their fellow citizens of Texas; in order that none may be imposed upon by the specious declarations of lurking spies, or Military Commandants:

. . . "A gentleman just from Bexar and Goliad on whose information the most perfect reliance can be placed, assures us that on the 15th of June there were but sixty soldiers at the former place; on the 1st of August about 300; on the 2nd of August he met about 300 more near Bexar designed for that place; on the 5th of August he heard the Pilot at Copano say that he had received orders to be *at his post* to bring in some vessels expected hourly with from six hundred to a thousand troops from Matamoras, destined for Bexar.

"In every respect the information in the letter is confirmed by the Gentleman from the Interior. We do not use the name of the gentleman who wrote the letter because it may be used to his prejudice; but so far as his character for veracity is concerned, no person stands higher. . . . I now ask, if the statements contained in the letter be true, do they not afford just cause of alarm to the weak and to the strong, to the old and young, to the brave and the timid."

"AUGUST —, 1835.

"DEAR SIR:

"By my man —, I received yours and noticed its contents, since that the Political horizon has so changed that it engrosses all other considerations; we are here in a continual state of alarm and, indeed there is good reason to be so, our new would-be styled government or its minions have commenced, I think, a little too fast to show the cloven foot. The new Colonel, (Nicholas Condey) commenced in Goliad by putting the Alcalde in the Calaboose, made the Administrador give him \$5,000 in ten hours' notice or go to Bexar prisoner and on foot. He threatens to be in San Felipe in a month for the purpose of burning it, etc. They have taken the arms that formerly belonged to the town, and always were deposited with the town authorities, and issued an order to press all those that can be got at to enter the ranks of the soldiers; it was given officially that the troops would have to be supported by the people, by five in a family with all its concomitants, etc. I have, as well as others, to keep my horse constantly ready to put off, as it is said that I am a liberal, and not in favor of a Military Government; as for myself I know of no other fault, I have taken no other part but expressed my opinion as though I had a right to do so. It cannot be said of me that I am a land speculator, for I have been so lucky, or unlucky, that I have not drawn one inch of land but my lot whereon now stands my house, and for which I paid the former owner \$50; nor have I had any other transaction directly or indirectly to the alledged injury to the government, except through the Custom House, to which I have paid more duties than all Bexar and Goliad put together, but the land speculation is all a hoax. This is only a pretext; let any man that is not blind or has common sense look at the acts in all the interior and say if it is not a fact that this plan of Military Government, but under the mask of Centralism was actually out in a state of forwardness a year ago.

"The fact is a part of the colonists have acted very strangely by permitting the military to insult us in the arrest of our Governor, etc. Three years since they drove the military out of the country, as they alleged for the same act, and now they suffer them actually to commit this act with impunity. But you must now come to one of three conclusions, which are:

"1st. Submit to the military Government with all its grievances.

"2nd. Or to pack and get beyond the Sabine to the eastward.

"3d. Or to fight and drive [back] those robbers of Zacatecas, whose orders on entering that unfortunate place were to kill all foreigners, one of whom they would not shoot like a soldier, as he desired, but shot him in the back like a traitor.

"There are about 500 troops now at Bexar, and in about fifteen or twenty days there will be three or four hundred more, the people of Bexar are waiting anxiously to have us join them in reducing that place and it is confidently reported that the two companies of Bexar will join the citizens against the foreign troops, Goliad has but thirty-five men, as an apology for soldiers; I need not describe them to you, you know the principal part of them; they have intimated that they would be a missing when the Americans would let one or two of their rifles crack. The people as well as the authorities of Bexar, Goliad, and this town have had several invitations to proclaim for Centralism, but have not, nor will they until they are compelled by military force, but they are strongly in the belief that they will be forced to do so. I could fill two or four pages with various information but must conclude by wishing that the Grand Disposer of all events may in his infinite wisdom parry the blow that is at this time aimed at our total destruction."

"Yours respectfully,

"MR. _____"

UNION

"The writer of this has thus far taken no active part in the political excitements and discussions which of late have so much agitated the people of Texas. His habits of life have inclined him to quiet and retirement, and nothing but the clearest conviction of duty at this time force him before the public.

"Although he has thus far been silent, he has been by no means indifferent; every plan, proposition, suggestion, or movement has been closely examined without reference to the man who may have proposed it. With an earnest desire to adopt that course best calculated to promote the welfare, safety, and happiness of Texas, he has scrutinized closely the arguments of all parties, with the hope that all might be reconciled. Convinced that ruin and disgrace would be the necessary consequence of disunion amongst ourselves, he has felt the most intense anxiety to see such a course pursued as would produce concert and harmony. While at the same time he is disposed to be charitable towards all, yet it must be admitted that our councils and discussions have not been characterized by that degree of temper, liberality, and forbearance which is of the last importance in times like these.

"The people of Texas, sir, have but one common interest. Although some may be more deeply interested in its prosperity than others, it is

preposterous to say that there is a single man in the whole community who would be willing to take any step that he believed would be injurious in its consequences: We all aim at the same great end, but there must necessarily be great difference of opinion, as to the most successful mode of effecting it.

"The people may be said at this time to be divided into three parties.

"The first has been denominated the war party. These compose a large and very respectable portion of the community, and they urge with very great plausibility that Texas is now by the repeated acts of the general Government entirely released from her allegiance to the *late republic* of Mexico, that she is thrown back into a complete state of nature, and that by the laws of nature and of nations she has an indisputable right to take care of herself. If the premises be admitted, the conclusion is irresistible. If the constitutions, state and federal, have been annulled by the establishment of a new form of government nothing can be more clear than that the integral parts which compose the old compact have the right to determine for themselves whether they will adopt the new. But it is no part of the writer's present intentions to discuss the merits or pretensions of either party; those who hold the affirmative can doubtless sustain themselves by more plausible arguments than into the whirlpool of politics.

"The second party (and that which the writer believes to be the largest) is composed of those men who are willing to pledge their lives and fortunes for the good of their country, but before any final or decisive step is taken these conceive that the whole of Texas ought to be consulted; that the majority in all states or communities ought to control and that where the opinion of the majority is clearly expressed it should then be acquiesced in by the minority.

"These sentiments do honor to the head as well as the heart. They urge that 'the welfare and happiness of Texas' is their motto, and that they are willing to unite heart and hand in promoting that object, so soon as the voice of the people can be heard.

"The next party may be denominated the Neutralist. Their name gives a sufficient definition. They are as contemptible in numbers as in character.

"The last classification has been styled the submission party. This embraces a large number of very good men, but who, either alarmed or misguided, are willing to lie supinely on their backs, declaring that there is no cause of alarm, and tamely submit to all the insults and indignities which military despotism may think proper to heap upon us. They allege that the general government has the right to introduce troops into any part of Texas in any numbers which it may think proper. The Federal Government of Mexico once had the right to introduce troops amongst us; but that right most unquestionably ceased when the federal system was prostrated, and by the laws of nations it is a virtual declaration of war for Mexico to send troops until Texas has acceded to the new plan of government. She cannot accede to the new plan until all the people are consulted.

"This brings me to the consideration of the main object of this communication. If my classification of parties has been correct, it must be obvious that while things remain in this state nothing can be

hoped for. Each will closely adhere to his own opinions and being torn and divided amongst ourselves we become an easy prey to the destroyer.

"It is admitted by all that Texas united has nothing to fear. We should then adopt without further delay, the most prompt and decisive measures to produce union, concert and harmony.

"A minority should never by their acts control or compromise the rights of a majority. And while each jurisdiction or department is acting for itself we must calculate to suffer all the evils of petty feuds and factions.

"If a plan can be adopted, from which much good may, and no harm can possibly, result, all will agree that it should be pursued. The writer conceives that a *General Convention* of all Texas through their representatives is just such a plan. From it we have everything to hope and nothing to fear.

"The people of the jurisdiction of Columbia, on the 23rd of June last, approved of, and recommended this. The Ayuntamiento, at the same time they raised their special committee recommended a consultation of all Texas in general council. But yet it seems that no decisive steps have been taken to bring about this object, on which the wishes of the people have been so clearly expressed. On the contrary we are told that there is no cause of alarm, and that a still dead calm should prevail. Again, Sir, late movements at San Felipe have produced very great dissatisfaction. The late Political Chief, J. B. Miller, seems to have abandoned his office, and the present incumbent is Capt. Wyly Martin. There are many who insist that Capt. Martin is not a constitutional Chief. The writer is not prepared to discuss that question. From his acquaintance with Capt. Martin he is constrained to believe that he would not take upon himself to exercise the duties of an office unless he believed he had the right to do so. But it is clear beyond a doubt that in times like these no man should hold an office the right to which is in the least questionable.

"And now with all these parties, with all our jarring discords and discontents can it be questioned that a convention is absolutely necessary?

"JOSTUS."

At the beginning of September, just as the committee was launching the campaign for the consultation, or convention, Stephen F. Austin arrived from his long detention in Mexico; and his attitude toward the movement became immediately of great importance. A meeting of some of his friends was held at Brazoria on September 4 to arrange plans for showing him appropriate honor. They decided to entertain him at a public dinner on the 8th, and here, in response to a flattering toast, he made known his views concerning the political situation in Mexico, Santa Anna's intentions toward Texas, and the method of procedure which should be adopted by the Texans. He said:

"I cannot refrain from returning my unfeigned thanks for the flattering sentiments with which I have just been honored, nor have I words to express my satisfaction on returning to this my more than native country.

"I left Texas in April, 1833, as the public agent of Texas, the

people of Texas, for the purpose of applying for the admission of this country into the Mexican confederation as a state separate from Coahuila. This application was based upon the constitutional and vested rights of Texas, and was sustained by me in the City of Mexico to the utmost of my abilities—no honorable means were spared to effect the objects of my mission, and to oppose the forming of Texas into a territory which was attempted. I rigidly adhered to the instructions and wishes of my constituents so far as they were communicated to me—my efforts to serve Texas involved me in the labyrinth of Mexican politics. I was arrested and have suffered a long persecution and imprisonment. I consider it to be my duty to give an account of these events to my constituents, and will therefore at this time merely observe that I have never in any manner agreed to anything, or admitted anything that would compromise the constitutional or vested rights of Texas. These rights belong to the people, and can only be surrendered by them.

“I fully hoped to have found Texas at peace and tranquillity, but regret to find it in commotion, all disorganized, all in anarchy, and threatened with immediate hostilities. This state of things is deeply to be lamented—it is a great misfortune, but it is one that has not been produced by any acts of the people of this country—on the contrary it is the natural and inevitable consequence of the revolution that has spread all over Mexico, and of the imprudent and impolitic measures of both the general and State Governments, with respect to Texas. The people here are not to blame, and cannot be justly censured, they are farmers, cultivators of the soil, and are pacifick from interests, from occupation, and from inclination. They have uniformly endeavored to sustain the constitution and the public peace by pacifick means, and have never deviated from their duty as Mexican citizens. If any acts of imprudence have been committed by individuals they evidently resulted from the revolutionary state of the whole nation, and imprudent and censurable conduct of the State authorities, and the total want of a local Government in Texas. It is indeed a source of surprise and creditable congratulation that so few acts of this description have occurred under the peculiar circumstances of the times. It is however, to be remembered that acts of this kind were not the acts of the people, nor is Texas responsible for them. They were, as I before observed, the natural consequence of the revolutionary state of the Mexican Nation, and Texas certainly did not originate that revolution, neither have the people, as a people, participated in it. The consciences and the hands of the Texans are free from censure, and clean.

“The revolution in Mexico is drawing to a close. The object is to change the form of Government, destroy the federal constitution of 1824, and establish a central or consolidated Government. The states are to be converted into provinces.

“Whether the people of Texas ought, or ought not to agree to this change, and relinquish all, or a part of their constitutional and vested rights under the constitution of 1824, is a question of the most vital importance, one that calls for the deliberate consideration of the people and can only be decided by them fairly convened for that purpose. As a citizen of Texas I have a right to an opinion on so important a matter,

I have no other right and pretend to no other. In the report which I consider it my duty to make to my constituents, I intend to give my views on the present situation of the country, and especially as to the constitutional and natural rights of Texas, and will therefore at this time merely touch this matter.

“Under the Spanish Government Texas was a separate and distinct province, as such it had a separate and distinct local organization. It was one of the unities and composed the general mass of the Nation, and as such participated in the war of the revolution, and was represented in the constituent Congress of Mexico that formed the Constitution of 1824. This constituent Congress so far from destroying this unity, expressly recognized and confirmed it, by the law of May 7, 1824, which united Texas with Coahuila *provisionally* under the special guarantee of being made a state of the Mexican confederation so soon as it possessed the necessary elements. That law and the federal constitution gave to Texas a specific political existence, and vested in its inhabitants special and defined rights, which can only be relinquished by the people acting for themselves as a unity and not a part of Coahuila, for the reason that the union of Coahuila was *limited*, and only gave power to the state of Coahuila and Texas, to govern Texas for the time being, *but always subject to the vested rights of Texas*. The state therefore cannot relinquish those vested rights by agreeing to the change of Government or by any other act, unless expressly authorized by the people of Texas to do so, neither can the general Government of Mexico legally deprive Texas of them, without the consent of this people. These are my opinions.

“An important question now presents itself to the people of this country.

“The federal constitution of 1824 is about to be destroyed, the system of Government changed, and a central or consolidated one established. Will this act annihilate all the natural rights of Texas, and subject the country to the uncontrolled and unlimited dictation of the new Government?

“This is a subject of the most vital importance. I have no doubt the federal constitution will be destroyed, and a central Government established, and that the people here will soon be called upon to say whether they agree to this change or not. This matter requires the most calm discussion, the most mature deliberation and the most perfect union. How is this to be obtained? I see but one way, and that is by a general consultation of the people by means of delegates elected for that purpose, with full powers to give such an answer in the name of Texas to this question as they may deem best, and to adopt such measures as the tranquillity and salvation of the country require.

“It is my duty to state that Gen. Santa Anna verbally and expressly authorized and requested me to say to the people of Texas that he was their friend, that he wishes for their prosperity, and would do all he could to promote it, and that in the new constitution he would use his influence to give to the people of Texas a special organization suited to their education, habits, and situation; several of the most intelligent and influential men in Mexico, and especially the ministers of relations and war expressed themselves in the same manner. These declarations

afford another and more urgent necessity for a general consultation of all Texas in order to inform the general Government and especially Gen. Santa Anna what kind of an organization will suit the education, habits and situation of this people.

"It is also proper for me to state that in all my conversation with the President and ministers and men of influence, I advised that no troops should be sent to Texas, and no cruisers along the coast. I gave it as my decided opinion that the inevitable consequence of sending an armed force to this country would be war. I stated that there was a sound and correct moral principle in the people of Texas that was abundantly sufficient to retain or put down all turbulent or seditious movements, but that this moral principle could not, and would not unite with any armed force sent against this country; on the contrary it would resist and repel it, and ought to do so. This point presents another strong reason why the people of Texas should meet in general consultation. This country is now in anarchy, threatened with hostilities, armed vessels are capturing everything they can catch on the coast, and acts of piracy are said to be committed under cover of the Mexican flag. Can this state of things exist without precipitating the country into a war? I think it cannot, and therefore believe it is our bounden duty as Mexicans, and as Texans to represent the evils that are likely to result from this mistaken and most impolitic policy in the military movements.

"My friends I can truly say that no one has been, or now is, more anxious than myself to keep trouble away from this country, no one has been or now is more faithful to his duty as a Mexican citizen, and no one has personally sacrificed or suffered more to discharge this duty. I have uniformly opposed having anything to do with the family political quarrels of the Mexicans. Texas needs peace and a local Government; its inhabitants are farmers, they need a calm and quiet life. But how can any one remain indifferent when our rights, our all appear to be in jeopardy, and when it is our duty as well as our obligation as good Mexican citizens to express our opinions on the present state of things, and to represent our situation to the government? It is impossible. The crisis is certainly such as to bring it home to the judgment of every man that something must be done and that without delay. The question will perhaps be asked, what are we to do? I have already indicated my opinion. Let all personalities, or divisions, or excitements, or passion, or violence be banished from amongst us. Let a general Consultation of the people of Texas be convened as speedily as possible, to be composed of the best, and most calm, and intelligent, and firm men in the country, and let them decide what representations ought to be made to the general government, and what ought to be done in the future.

"With these explanatory remarks, I will give as a toast: *The constitutional rights and security and peace of Texas, they ought to be maintained; and jeopardized as they now are, they demand a general consultation of the people.*"

The arrival of Colonel Austin at this critical period of the affairs of Texas was alike timely and fortunate. Four days after the banquet at Brazoria a public meeting was held at San Felipe (September 12).

This resolved to support the constitution of 1824, recommended a consultation and appointed a committee of vigilance and safety to "order and superintend the election for delegates of this jurisdiction, and to correspond with the committees of the other jurisdictions." Those appointed upon this committee were Wily Martin, Randall Jones, William Pettus, Gail Borden, Jr., and Stephen F. Austin. But Austin assumed by common consent entire direction of the work of the committee, and turned all efforts for a time toward assuring the success of the consultation.

The way was already prepared for the convention, and nothing was needed but Austin's endorsement to remove any hesitation that still existed in the minds of the conservatives concerning its wisdom. Several things occurred, however, to cause confusion before the delegates were elected and assembled. The first was uncertainty as to the place of meeting. The Columbia committee had suggested Washington on the Brazos in its call for the convention, but the San Felipe meeting of September 12 substituted San Felipe as the place of meeting. Some municipalities now elected delegates to meet at one place and some at the other, and when the day of meeting arrived there were some members at both places, which helped to prevent the gathering of a quorum at either place. Some of the East Texas municipalities recommended the election of seven representatives instead of five from each electoral district, and this was later approved by the Columbia committee, but there was not sufficient time before the election to issue notice of the change. Finally, before the elections were held war had already begun. In some districts the polls were opened earlier than October 5, the day originally set for the election, and this gave occasion for irregularities which led to some vigorous protests from defeated candidates. A more important result of the outbreak of hostilities, however, was the fact that many of the members-elect joined the army, and thereby delayed the meeting of the assembly.¹

¹ This paragraph is inserted by the editor.

CHAPTER XV

THE OUTBREAK OF WAR

Austin, by his great popularity and influence, gave renewed impulse to the revolutionary correspondence of the committees throughout Texas. On the 13th of September the San Felipe committee issued a circular. Among the recommendations was one regarding the rights of the Indians. The conciliation of the Indians was a matter of great importance to the people not only of East Texas, but of the whole country, for there were at that time more than a thousand warriors of the different tribes that had emigrated from the United States. They almost surrounded the frontier of East Texas. The assurance later given them that they should not be disturbed in their possessions had the effect to keep them quiet. Other purposes of the circular were to reinforce the arguments already advanced for the meeting of a consultation and to make suggestions concerning elections:

“COMMITTEE ROOM, SAN FELIPE, Sept. 13th, 1835.

“The undersigned, a Committee of correspondence and vigilance, appointed by a very large and general meeting of the citizens of the Jurisdiction of Austin, convened at this place on the 12th inst., have the honor to transmit to you, in pursuance of the duties assigned them, a copy of the resolutions adopted by said meeting, in order that you will lay them before the people of that section of the country, and solicit their co-operation.

“This Committee deem it entirely unnecessary to enter into a long statement of facts to shew why a general consultation of all Texas is indispensable, for the reason that the present crisis is so evident and alarming, that no one appears to doubt it.

“This necessity seems to be so evident and pressing, that a general consultation of Texas, with full and unlimited power to organize a local Government under the constitution of 1824, has been advocated by many instead of a consultation. But it is considered that this is a step that cannot safely be adopted with any certainty of unanimity by any district or municipality.

“Such a measure and the necessary rules and regulations for directing elections and apportioning the representation equally, according to the population; the place where, and the time when the convention ought to meet; and other important details can only be determined by all Texas met in general consultation. The measures which may be adopted by such general consultation will carry with them the weight of being the *voice* of all Texas instead of the *opinion* of a few. They will be the result of calm discussion and of a full and mature delibera-

tion and examination into the true situation of the country, and cannot fail to produce unanimity at home, respect and confidence abroad.

"This Committee deem it to be important that the just and legal rights of the civilized Indians should be protected, but not having any certain information on the subject they can only recommend it to your consideration.

"Some diversity of opinion has existed as to the place where the proposed consultation should meet. This place and Washington have been proposed. The meeting of yesterday have preferred this place for the reasons that there is a printing press here. The most important public records are here, and the principal political authority of the department resides here. This question will of course be decided by the wishes of the majority, for which reason it is important that you will communicate to this Committee what are the wishes of the people of that section on this point.

"This Committee must beg of you to communicate without delay with the people of Red River, in Pecan Point country, and request them to send members to the proposed General Consultation. They are Texans, and their interests and rights are identified with those of all Texas.

"This committee in consultation recommend that the delegation from each district bring with them an exact census of the population, and return of the militia from their districts to lay before the general consultation."

On the 19th, the committee having received positive information that General Cos with five hundred troops destined for San Antonio de Bexar had landed at Copano (not Matagorda as stated by Yoakum) about the 15th, issued the following circular:

"Information of the most important and decisive character has just been received from Bexar from unquestionable authority, which in the opinion of this committee calls for the prompt attention of the people. The substance of this information is that Gen. Cos was expected at Bexar on the 16th of this month with more troops; that he intended to make an immediate attack on the colonies; that there was a plan to try and foment division and discord among the people, so as to use one part against the other and prevent preparation; and that the real object is to break up foreign settlements in Texas. This committee have no doubt of the correctness of this information, and therefore recommend,

"That the people should maintain the position taken by them at the primary meetings, to insist on their rights under the federal constitution of 1824 and of the law of 7th of May of that year, and union with the Mexican confederation.

"That every district should send members to the General Consultation with full powers to do whatever may be necessary for the good of the country.

"That every district ought to organize its militia, where it is not already done; and have frequent musters; and that the captains of companies make a return without delay to the chief of this department of the force of his company, the arms, and ammunition in order that

he may lay the same before the general consultation of Texas. Volunteer companies are also recommended.

"This committee deems it to be their duty to say that in its opinion, all kinds of conciliatory measures with Gen. Cos and the Military at Bexar are hopeless, and that nothing but the *ruin* of Texas can be expected from any such measures. They have already and very properly been resorted to without effect.

"War is our only resource. There is no other remedy but to defend our rights, our selves, and our country by force of arms. To do this we must unite, and in order to unite, the delegates of the people must meet in general consultation and organize a system of defense, and give organization to the country so as to produce concert. Until some compact authority is established to *direct*, all that can be done is to recommend this subject to the people; and advise every man in Texas to prepare for WAR, and lay aside all hope of conciliation."

"S. F. AUSTIN."

At the same time Austin wrote to W. D. C. Hall and to his friend P. W. Grayson. His letter to Hall was as follows:

"SAN FELIPE, Sept. 19, 1835.

"DEAR SIR:

"War is upon us, there is now no remedy, the answer of Cos is positive that the individuals who have been demanded must be given up, and that the people must unconditionally submit to whatever the Government chooses to do for them; he lays down the principle that the General Government have the right to force us to submit to any reform or amendment or alterations that congress may make in the constitution, etc. This is impossible; we had better leave the country at once, for we should be, under Cos' doctrine, without any rights or guaranties of any kind. I therefore think that war is inevitable; we must prepare. What do you think of raising a volunteer corps to protect the consultation; and have it ready without delay? I think it probable Cos will attack the people on the Guadalupe in a short time; they expect aid and ought to have it.

"I shall send to Nacogdoches immediately.

"Yours,

"S. F. AUSTIN."

With Grayson, Austin went more into detail, and invited counsel. He said:

"DEAR SIR:

"The final answer of Gen. Cos has just been rec'd. It is positive that the persons who have been demanded shall be given up and that the people of Texas must unconditionally submit to any reforms or alterations that Congress choose to make in the constitution etc. I give you the substance, which is that we have no rights except what the Govt. thing proper to grant us as a favour.

"Can or will the people submit to this? According to the position already taken by them they cannot. War then is *inevitable*. It is

impossible to avoid it—this is my opinion and I have therefore issued the circular from the committee of this place which goes below by this opportunity. I have written to Hall, and advised the raising of volunteer Corps, to be ready for immediate operations—I think he could raise such a corps—Texas now needs the united councils of every man in it—War and peace parties are at an end—There is no remedy but to fight—I shall send to Nacogdoches—

“A gentleman¹ writes from Bexar that the country will be invaded whether the obnoxious individuals [the persons demanded by Ugartechea] are given up or not, and the land business and everything else is to be regulated by the Military and he says the people must make up their minds either to submit or prepare for defense.

“I place more reliance on what he says because he has made so many exertions to effect an amicable reconciliation. He also says that he will stay and see *Cos*, though he has no hopes of doing anything. I think he has been faithful to the people here and fear that he will get into prison.

“Now my friend tell men what we can do except to fight—an attempt at reconciliation has been made and failed, and the agents (for Barrett who has returned says the same thing) who were sent, say we must submit or fight. Is the country or any man in it ready or willing to submit to a Military Despot! I think not and for this reason I thought it was my duty to let the people know their true situation, as I have done in the circular.

“Give me your opinion and that of the people in that quarter—these things have come on us much sooner than I expected when I left Mexico or N. Orleans but there is no remedy that I see—*Cos* has precipitated them—Two Regiments, it is said, are ordered on from San Luis, and also the Campeachy Troops—so says our informant who heard it in Bexar.”

The further activities of Austin in organizing the people for resistance and guiding their early movements are disclosed by the circulars issued from the committee:

“SAN FELIPE DE AUSTIN, Sept. 21, 1835.

“GENTLEMEN:

“I received the information last night of the expedition that is raising to march on to Labaca, and without delay have sent expresses to Harrisburg, and the upper country with copies of the paper which I enclose for your information. Frank Johnson starts tomorrow for Nacogdoches; I have requested them in that country to raise all the men they can and march on without delay. There must now be no half way measures—War in full. The sword is drawn and the scabbard must be put on one side until the military are all driven out of Texas. I presume you have received the circular from the committee of this place, dated the 19th inst.; Mr. Brigham took it down. It was written in consequence of information received from Bexar which was of so decisive a character that the committee deemed it a duty to take a clear

¹ Edward Gritten.—EDITOR.

and unequivocal position at once and to let the country know its opinion. I am happy to say that in this quarter and in the upper country so far as I have heard all are united, and all are for *War*; I hope you will inform me of what is done so that there may be as much concert as possible. You will see by the enclosed that a corps of reserve is proposed. This was done because I expect that some will come on from Trinity and some from Bevil's settlement who cannot be in time for the advance, and it was necessary to give them some center to report to, so as to receive direction and organization. Until there is some head or order, we must all try to labor in concert, so as to support each other's movements as much as distances and circumstances will permit. I will remain here for a while, or go on to Labaca, as may be deemed most advisable. I seek no command and wish none, but am ready to do all I can to unite opinion. I go into the war cheerfully, and with very different feelings from what I had in any of our past difficulties; we are now right; our basis is sound and just, and will be so declared by an impartial world; we are defending our constitutional rights against military usurpation.

"I hope you will communicate your opinions to me fully and frankly.

"Yours respectfully,

"S. F. AUSTIN."

"To the Committee of Safety &c of Columbia.

"Information was received last night by express that Gen. Cos landed at Copano with 400 men, arms, and ammunition.

"An expedition is raising in the lower country to take the field at once. They are called upon to rendezvous at League's old place on the Colorado on the 28th of this month.

"Every man in Texas is called upon to take up arms in defence of his country and his rights. Those who can join the expedition on the 28th are requested to do so! or they can join it at James Kerr's on the La Vaca, which will be the principal rendezvous.

"A corps of reserve will be formed to march on and sustain the advance. Those who cannot join the advance are requested to unite with the reserve and report themselves to the Committee of Safety in this place.

"It is expected that each man will supply himself with provisions, arms and ammunition to march with.

"Arrangements will be made for permanent supplies as soon as possible.

"S. F. AUSTIN, *Chairman of the Committee.*

"SEPTEMBER 22nd, 1835."

The portentous cloud of war thickens. Active operations commence. A cannon had been furnished by the authorities of Bexar to the people of Gonzales to defend themselves against Indian depredations. This they retained, and claimed as a gift, while the military declared that it was only intended as a loan. To carry out the plan of disarming the citizens of the nation, Colonel Ugartechea dispatched an order for the gun. The citizens refused to give it up. This refusal being reported to Colonel Ugartechea, he dispatched a cavalry force of some hundred

men, under Lieutenant Castañeda, to demand the delivery of the gun, instructing him first to send a demand to the alcalde for the gun, and if this was refused to employ force. Lieutenant Castañeda halted on the west bank of the Guadalupe River, and sent over to Gonzales and demanded the delivery of the gun. The committee of safety and correspondence for the jurisdiction of Gonzales, dispatched a courier to the settlements on the Colorado for aid. A body of Texans had been organized to march to Copano and intercept Cos, but this news caused them to turn their steps to Gonzales.

For a full and detailed account of the proceedings and of the battle of Gonzales, we subjoin the following:²

"GONZALES, Feby. 4, 1874.

"Col. Frank W. Johnson, Austin, Texas.

"My dear old companion in arms. Your letter of the 1st ult. was duly received but the severe illness of Mrs. Mason for the past two months is my excuse for not having replied to it sooner. The data I send you is strictly to be relied on, regarding the first movement of the people of Texas, that took place at Gonzales early in the fall of 1835, (consequent upon the concentration of an army of Mexicans under the command of Gen. Martin Perfecto de Cos, who at the time had his headquarters somewhere in the northern interior) as I referred to a journal or memorandum penned not long after, when everything except particular dates was fresh in my memory. Truth required the introduction of my name in several places, which is the excuse for apparent egotism. I reflect with pride and pleasure at having been under your command during the ever memorable *five days* from the 5th to the 10th of December, 1835. There is no telling what would have been the consequence of a failure: with the *last* round of ammunition taken from the locker; the country open to the Sabine with sparse settlements; the enemy's success for a *time at least*, would seem to have been apparent. The *black* flag at the sand bag battery on the east side of the river the day before, and the *white* flag on the wall of the Alamo on the morning of the 10th were quite strange in contrast. The result was glorious. Can any one reflect without even *now* deciding what might have been the consequence had the advice of Tom Bell, of 'Caney' been taken, i. e., 'not to regard the capitulation,' so honorable to our arms, and so necessary in many respects to facilitate the cause for the constitution of 1824?

"With the hope that the enclosed may be of some service to you in your contemplated history of Texas, and whilst recurring to the past, I may be able to transmit to you further reminiscences of the glorious struggle that resulted in the birth of a nation, I am

"Dear Colonel, your friend and well wisher, &c, &c.,

"CHARLES MASON.

"My high regards to Col. J. W. E. Wallace, of whom I often think.—M."

"In the latter part of September, 1835, a file of Mexican cavalry under command of a non-commissioned officer, arrived and encamped near the residence of Mrs. Sarah De Witt, widow of Empresario Green De Witt, with orders from the Political Chief of the Department of Bexar, and Colonel Ugartechea, the commanding officer at San Antonio, demanding of the Alcalde, Andrew Ponton, Esq. the highest civil officer of the municipality of Gonzales, a brass six-pounder field piece of artillery, which had been turned over to Colonel Green De Witt for the protection of his colony. The people, at once assembled and promised the alcalde their warm support should he decline to give up the gun. Whereupon he addressed a note to the political chief, at San

² The following letter states the circumstances under which the account was written:

Antonio, that he could not comply with the demand, unless ordered to do so by the political chief of the department of the Brazos, which note was dispatched to San Antonio by the sergeant, simultaneous with runners—Matthew Caldwell to Bastrop and _____ to Col. J. H. Moore's neighborhood, lower down on the Colorado, calling on the people of those places to spread the alarm; and to send immediately as many armed men as practicable to the assistance of Gonzales. A company was at once organized by electing Albert C. Martin, captain (graduate of Captain Partridge's Military school in Connecticut) and W. W. Arrington, Charles Mason, and Jesse McCoy, Lieutenants, with about one hundred non-commissioned officers and privates, from sixty down to fifteen years of age. About the third day circumstances induced the belief that reinforcements would be sent to the Mexicans, so it was determined to endeavor to capture the squad of cavalry before assistance could reach them, and to prevent their sending information to San Antonio. Consequently, Lieutenants Arrington, Mason and McCoy, with John Martin (known better as "Bitnose" Martin) crossed the river and proceeded to their camp, near Mrs. De Witt's residence, and found them with their arms stacked around a tree. On a demand to surrender, they endeavoured to seize their arms, but Martin leveled his Kentucky rifle, and would, had he not been prevented, have killed the foremost. After taking possession of the arms, they were assured that no harm was intended; yet, it was with some apparent distrust they surrendered. One being sent after their horses, on reaching them mounted, as supposed the fleetest, and took the road to San Antonio at half speed, the others were taken to town and treated as prisoners of war. Knowing the soldier who had been sent for the horses would cause reinforcements to be sent, Lieutenant Jesse McCoy, Graves, Fulcher, and Littleton Tomlinson, were sent as spies towards San Antonio to keep a look out and give timely information and prevent surprise. There was no disappointment. In about four days, the spies returned and reported that one hundred and eighty or two hundred cavalry (commanded by Lieutenant-Colonel Arcineago) were on their march to Gonzales. At this time there were but *eighteen* men in Gonzales. A temporary breastwork was erected just below the ferry, and the boat secreted in a bayou above. In a short time their van appeared, hailed, and desired to be set across the river. They were informed that they could not cross. If they had dispatches, one of the men could swim over unmounted, which was done. The dispatch, on being read by one of the company, was found to contain an order on the alcalde for the cannon, and, instructions to the officer who bore it, if the cannon was not delivered voluntarily to take it by force. The answer to this was 'come and take it.' The contents of this reply being communicated to the officer, Lieutenant Castañeda, he denied having orders to fight. He was then informed that the alcalde was out of town, and would not be in before morning, to cause further delay. The same or following day, Col. J. H. Moore, of Fayette, Edward Burleson, and Capt. R. M. Coleman, and J. W. E. Wallace, of Columbus, arrived from the Colorado with sixty or eighty men, which increased the force to about one hundred and eighty men and *boys*. During the delay in getting assistance from the Colorado and Brazos, our spies, Graves and Fulcher

and an Indian (Shawnee or Cherokee) kept Capt. Martin informed of every movement of the Mexicans. The Indian swimming the river at night and recrossing (and as he disappeared on the arrival of assistance, no doubt but he was employed by the Mexicans.)

"At this time, the Mexicans at night took position on the mound, and during the day near the timber on the river.

"The number of men now required a reorganization. An election being held, J. H. Moore was chosen Colonel, J. W. E. Wallace, Lieutenant-Colonel, and Edward Burleson, Major. After several feints as though they intended to cross the river, ascertaining our number; for the purpose of greater safety, or to await reinforcements, the Mexican commander removed his encampment seven miles up the river Guadalupe, to the Williams place. Colonels Moore, Wallace, and the officers, were very active in making preparations to attack them at that point. The field piece in dispute was hastily mounted on a pair of cart wheels procured for the occasion by Valentine Bennett, afterwards quartermaster. Slugs were forged for the gun, and lances for a company by _____, who labored incessantly, without the expectation of pay. Every preparation that could be made being ready at eight o'clock P. M., orders were given to cross the river, and rendezvous at the residence of Mrs. De Witt, who with her family had removed to Gonzales at the request of the returning spies. At twelve or one o'clock the whole force were mustered to listen to a patriotic address, and a fervent appeal to the God of battles, in its behalf and for its success, by the Rev. Doctor Smith, as chaplain. The little army, full of hope and high in spirit, took up the line of march, through a dense fog, for the enemy's camp; calculating to surprise him, but was prevented by the continued barking of a dog that had followed, causing the vanguard to be fired upon by the enemy's picket-guard.

"Orders were then given to take position in the edge of the timbered bottom and remain until daylight. After sunrise the fog was still so thick that a person could not be distinguished one hundred yards. About the time orders were given to move, the sound of a horse's feet were heard approaching at fast speed, and a voice calling out 'Don't shoot, don't shoot!!' which turned out to be a Doctor Smithers, who said he had been pressed into service to act as surgeon to the command at San Antonio, with orders to say that Lieutenant Castañeda had sent him to inform Colonel Moore that he had no orders to fight. A council was held, and it was decided that the Mexicans should *surrender at discretion* or fight; and, Smithers dispatched to communicate the fact to his commander. The Mexican again returned Smithers to inform Colonel Moore that he desired an interview, which was agreed to. The fog having cleared away, the Mexican cavalry were seen posted in a triangle on the brow of a hill, about four hundred yards distant, with their bright arms glittering in the sun. Colonel Wallace, taking with him Lieutenant Mason, proceeded to the half way ground, where, after some moments, he discovered Lieutenant Castañeda, who was informed by Colonel Wallace that as he had refused to surrender, we would fire upon him as soon as both parties reached their respective commands; after which, a wave of the Colonel's hand caused a match to be applied, and the Mexican officer and his command received the

first shot fired in the Texas revolution for the constitution of 1824. A second round found them about-faced, making a precipitate retreat towards San Antonio. It is but just to say that among those who were engaged actively in the foregoing drama were Governor E. M. Pease, Vice President Edw. Burleson, Colonel Amasa Turner, afterwards of the regular army, Colonel J. C. Neill, who were conspicuous on the field of San Jacinto on the 20th and 21st April, 1836, and in the councils of the Republic and state of Texas, and many who at this late day cannot be remembered."

The ladies, always patriotic, rendered every aid in their department to forward operations. The company flag, made and presented to Captain Martin's Gonzales company by them, was a white ground with a black cannon in the center, and the motto "Come and take it!" above and below.

The news of the defeat reached San Antonio on the 4th of October, when Colonel Ugartechea, as an old friend of Colonel Austin, addressed him a letter in which he reviewed the events of the past few months, declared that the government had nothing but the most benevolent intentions toward Texas, and attributed to the land speculators the alarming rumors that had excited the people. But the agitators must be surrendered to the authorities, and the cannon must be returned to San Antonio. The government could not recede from its demand in these two particulars without loss of dignity. He had ordered Castañeda to retire from Gonzales, he said, in order to await an answer from the political chief of the department of the Brazos to the request for the cannon. The colonists in arms at Gonzales supposed that Castañeda had retired through fear, and had followed and attacked him. "A report was made to me of that event, and that, besides the citizens of Gonzales, three hundred men from San Felipe had collected, and as I did not wish to see his small force compromised, I ordered it to withdraw, and shall march tomorrow, with the knowledge of the Commandant General, with a force of every description of arms, sufficient to prove that the Mexicans can never suffer themselves to be insulted.

"There are in the colony some individuals who, like yourself, know me to be frank in my proceedings, and also that I possess the character and energy characteristic of my country. I may therefore assure you that if you make use of your influence with the political chief to have the gun delivered up to me, wherever it may meet me—from that spot I will return immediately; if it is not delivered I will act militarily, and the consequences will be a war declared by the Colonists, which shall be maintained by the Government of the Nation with corresponding dignity. . . .

"I am convinced of your good sentiments in favor of your adopted country, notwithstanding your sufferings, and have no doubt that in favor of that country you will continue to make fresh sacrifices and cooperate effectively in removing the evils which threaten, for which important purpose you may reckon upon me for the use of my influence with the Supreme Government and with the Commandant General, and I can assure you, if peace should be sincerely established and unalterably so, the introduction of troops into the departments will be

dispensed with. I am your friend; likewise a friend to the colonists; if I have been sometimes obliged to fight with them, it was in absolute fulfillment of my duty, but in personalities I have always treated them as a gentleman should, both before and after fighting with them. I have observed the same conduct with as many as have entered into this city, where they still remain, notwithstanding they have not behaved well in Gonzales towards the Mexicans."

This engagement at Gonzales did much to unite the people and end their hesitation. Resistance had now become an accomplished fact and the question was no longer debated. The volunteers who had been on the march to intercept Cos at Copano, but who turned aside to Gonzales when they heard of trouble brewing there, persuaded William H. Wharton, who was one of their number, to return to Brazoria and take advantage of the occasion to stimulate the excitement of the people. In the performance of this mission Wharton made liberal use of the printing press at Brazoria. On October 3 he issued a broadside headed:

Freemen of Texas
To Arms!!! To Arms !!!
Now's the day, and Now's the hour!

In this circular he included a letter dated "Camp of the Volunteers, Friday night, 11 o'clock, October 2, 1835," and signed by David Random, William J. Bryant, J. W. Fannin, Jr., F. T. Wells, George Sutherland, B. T. Archer, W. D. C. Hall, W. H. Jack, William T. Austin, and P. D. McNeel. It was addressed to their "Fellow-citizens" and urged them to repair in all haste to Gonzales "armed and equipped for war even to the knife." To this Wharton added a letter from John H. Moore, written from Gonzales on October 1 and giving conditions there up to that time. The circular closed with the following letter from Wharton himself:

"FELLOW-CITIZENS:

"In accordance with the request of the Volunteers, I proceed to inform you that I parted with them at midnight, on Friday last under march to join their countrymen at Gonzales. They were to a man in excellent health, and spirits. It is now ascertained that Gen. Cos is in La Bahia. It is said that he has with him 800 pair of IRON HOBBLES for our benefit. If Texas will turn out promptly, he will be the first man to wear a pair of his own hobbles. In the language of the caption of this article 'now's the day and now's the hour.' Five hundred men can do more now than 5000 six months hence. San Antonio can be starved into a surrender in ten days, if there are volunteers enough to surround the town and cut off their supplies. The inhabitants seldom raise enough for their own consumption, and 800 troops being thrown upon them, has brought the place to the door of starvation. Bread is out of the question with them, and they have no hopes of obtaining meat, except eating their horses or pillaging from the Colonists. The Volunteers are determined never to return until San Antonio has fallen and every soldier of the Central Government has been killed or driven out of Texas. One great object of the Volunteers is to intercept Cos between La Bahia and San Antonio. After this, if enough of our countrymen assemble, they will take San Antonio by storm—if not they will

surround the place—cut off their supplies and starve them into a surrender. Let all who can turn out, and that immediately—Let no one say that business detains him; for what business can be so important as to crush the enemy at once, and thereby put an end forever, or at least for some time to come to this unholy attempt to bring us under the yoke of Military Despotism, or to expel us from the country. If St. Antonio is not taken, it will be a rallying point where they will in a few months concentrate thousands of troops. If it is taken they will have no foothold among us, and the power of the nation cannot re-establish one. Fellow-citizens: there are many fighting our battles more from sympathy, and from a detestation of oppression than from any great pecuniary interest they have in the country. These generous individuals should be sustained and encouraged in their magnanimous efforts to render us a service. Arrangements are making in Brazoria and Matagorda to send them supplies of Provisions and Ammunition, etc. Columbia and San Felipe ought to, and I have no doubt will do the same. If subscription papers are started, the people will liberally contribute. Let me again implore you to turn out promptly and universally and repair to Gonzales. In this case we will conquer, and that suddenly. Ours is no rebellious or revolutionary or voluntary warfare. It has been forced upon us. Justice, liberty, the constitution, and the god of battles are on our side, and the proud and imperious Dictator, Santa Anna, will be made to feel and know from blood bought experience that a people who have adopted the motto of their ancestors, 'Liberty or Death,' will crush and laugh to scorn his tyrannic attempt to enslave them. This campaign will but little interfere with the Consultation which is truly indispensable to us at present. If the war is over they will assemble at the place appointed; if not, let the members equip themselves for battle, repair to the camp and in a short time they may enjoy the proud satisfaction of holding the Consultation within the walls of San Antonio. I will leave Brazoria for the Camp at Gonzales on to-morrow and would be glad that as many as could equip themselves by that time would bear me company. Those who cannot be ready to-morrow should continue to prepare. Their services will be valuable, if they can join us even ten or fifteen days hence. I feel every confidence that there will be within a few days upward of 800 American Volunteers at Gonzales.

"WM. H. WHARTON."

"Brazoria, October 3d, 1835."³

³ On the 5th Wharton issued the following circular:

"\$5,000

"Will be paid to the individual who kills or takes prisoner General Martin Perfecto de Cos, and \$500 will be paid for the arrest and detention in close custody of John A. Williams, who, by the most infamous lying, and by the production of forged letters from Santa Anna and Cos, prevented 66 Volunteers from joining their countrymen at Gonzales.

"VOLUNTEERS.

"BRAZORIA, October 5th, 1835."

A copy of the circular in the Austin Papers at the University of Texas, bears this penciled inscription: "This reward was an individual proffer of W. H. W., who took the responsibility of making it and received for his pains the curses of the volunteers."—Editor.

At the same time Austin, likewise, was using the Gonzales affair to effect organization. He dispatched Mosely Baker and F. W. Johnson to East Texas to urge the volunteers of that section to march westward, and addressed a stirring circular to the committee of Nacogdoches:

"SAN FELIPE DE AUSTIN, October 4, 1835.

"War is declared against military despotism. Public opinion has proclaimed it with one united voice. The campaign has opened. The military at Bexar has advanced upon Gonzales. General Cos has arrived and threatens to overrun the country.

"But one spirit, one common purpose, animates every one in this department, which is to take Bexar, and drive all the military out of Texas before the campaign closes.

"There are about three hundred volunteers at Gonzales at this time, and there will be upwards of five hundred in a few days.

"It is confidently believed in this quarter, that the people of the department of Nacogdoches will turn out, and join the *Army of the People* now in the field, and facing the enemy.

"Arms and ammunition are needed; we have more men than guns. Could not some muskets be procured from the other side of the Sabine?
 . . . A few wagon loads of muskets and fixed ammunition would be of the utmost service at this time. Could not volunteers also be had from the United States? . . . Those who now step forward, may confidently expect that Texas will reward their services.

"That distinguished and virtuous patriot, Don Lorenzo de Zavala, . . . has just arrived from his residence on San Jacinto, and is now here, at the house of the chairman of this committee. . . . He also approves very much of the position they have taken against military despotism, and of the circular of this committee of the 19th ult.

"This committee relies on you to forward copies of this communication to San Augustine and the other committees in that quarter, and also to send the enclosed papers (circulars of this committee, of the 19th ult. and 3d inst. and public proceedings of other committees) to some printer in the United States for publication, in order that the public may be generally informed of the present state of affairs in Texas.

"An express has been sent to San Jacinto and Trinity. It would, however, be important for that committee to communicate with the people of Trinity, and of Bevil's settlement, as it inspires confidence to know that the whole country is acting in union, and with one and the same spirit and purpose. This, as I before observed, is to take Bexar, and drive the military out of Texas before the campaign closes.

"Respectfully, your obedient servant,

S. F. AUSTIN, *Chairman of the Committee.*"⁴

As a temporary head was required to give direction to these hasty measures and movements, the Central Committee at San Felipe proposed that one member from each committee of safety should be appointed

⁴ The paragraph concerning Wharton's operations, and the circular from Austin, are inserted by the editor.

to repair to San Felipe de Austin without delay, and form a permanent council. The proposition was accepted, and a council organized, of which R. R. Royal was elected president. This plan was suggested to the committee by Colonel Austin, who was regarded as a natural chief and who was looked to for orders and advice.

We will now return to the Texas army at Gonzales. There were several aspirants for the command of the army, but they were unsolicited. Austin was requested to repair to Gonzales. On his arrival at that place, he was elected commander-in-chief; Edward Burleson was elected Colonel of the first regiment.

Before Colonel Austin arrived at Gonzales, it had been determined by the volunteers to capture Bexar and Goliad. On the 12th of October, the army took up the line of march for Bexar, crossed the Guadalupe River and encamped on its west bank. Before leaving Gonzales, however, it was decided by a public meeting in that place to request the Consultation to adjourn until the 1st of November, as there were many of the members-elect in the army, and the others were at that time invited by General Austin to join the army and assist in taking Bexar.

A detachment of one hundred men had been sent to Victoria under the command of Major Ben. F. Smith and Captain Alley.

In the meantime Captain George Collinsworth, with some forty or fifty of the citizens of Caney and Matagorda marched upon Goliad. The advance reached the San Antonio River at a late hour of the night on the 9th of October. Scouts were sent forward to reconnoiter; the others halted and waited the arrival of the main force. The scouts, on their return, found Colonel Benjamin R. Milam, who had escaped from Monterey, where he had been held a prisoner since his arrest with Governor Viesca. Having participated in the war of Mexican independence he had acquaintances and friends in Monterey. He was allowed by his guards to go to the river and bathe whenever he chose to do so. He prepared to escape; his friends assisting and furnishing him with provisions. When his arrangements were completed, on a dark night, he escaped his guards, and made his way, by unfrequented paths, to the Rio Grande. He traveled day and night until he crossed the San Antonio River in the neighborhood of Goliad. Greatly worn down from loss of sleep and fatigue, he threw himself down in a mesquite thicket among the high grass to rest his weary limbs. While thus reposing, he was aroused by the tramp of approaching horses. He at once prepared to defend himself, supposing those approaching to be his enemies, and determined to surrender his liberty with his life. However, his surprise was turned to joy when he recognized the approaching party by their language to be not Mexicans, but his own countrymen. The meeting was alike gratifying to all. The scouts explained their business and invited the Colonel to join them, which he did cheerfully. They returned to the main body, and with guides, Milam one of them, they proceeded on their march. The little party was divided, one division being led by Milam, and entered Goliad at different points. On entering the town, they first attacked the quarters of the commandant, Lieutenant-Colonel Sandoval. The sentinel fired on them, and immediately afterward was down, the door of the commandant's quarters was then broken down with axes, and he surrendered. The surprise was

complete, and the body of the garrison in the fort on being ordered to surrender did so without the firing of a gun. In addition to the sentinel who was shot, three of the Mexican soldiers were wounded. The Texans had one man slightly wounded. Twenty-five Mexicans were made prisoners, the balance having escaped in the darkness of the night.

This brilliant little affair resulted in the capture of military stores of a value estimated at ten thousand dollars, together with several pieces of cannon and three hundred stand of small arms, which were greatly needed by the Texans. The capture of Goliad also cut the communication with Copano, the nearest port through which General Cos received supplies and reinforcements.

A laconic report of this affair written by Captain Collinsworth at eight o'clock of the morning after reads as follows: "I arrived here last night at 11 o'clock and marched into the fort by forcing the church doors, and after a small fight they surrendered, with 3 officers and 21 soldiers, together with 3 wounded and one killed. I had one of my men wounded in the shoulder. They have dispatched couriers for troops to several points, and expect I shall need your aid; there are plenty of public horses near here, but I have not sufficient force to send after them and protect myself. Come as speedily as possible."

A somewhat fuller account, written on the 11th by Ira Ingram to the Matagorda committee of safety, was published in *The Texas Republican* of October 24. He says:

"We mustered at Capt. Hache's on the evening of the 6th inst., and elected G. M. Collinsworth Captain, J. W. Moore 1st, and D. C. Collinsworth 2nd Lieutenant. On the 7th we proceeded to Guadalupe Victoria, were cordially received, and there rested until the 9th. We were fifty-two strong, at 12 we had effected a crossing of the Guadalupe, and taken up the line of march for this place. We reached the crossing of the San Antonio river, one mile below the Town, about ten at night, sent a deputation of Juan Antonio Padilla (who had joined us a little this side of La Vaca) Benj. R. Milam (whom we found encamped on the east bank of the San Antonio) P. Dimmit and Dr. Erwin to demand of the civil authorities a surrender of the Town. About eleven Dr. Erwin returned, and informed us that we had to fight. We then proceeded along the bank of the River, until we came between this and the quartel. The plan of attack was here communicated and the force disposed of accordingly. The plan was executed with utmost success. All conducted well. It would be extraordinary indeed if among fifty odd men, nearly all untried, there should not be some difference of conduct in a first engagement. The attack was made by storm, and in thirty minutes the quartel was ours.

"Capt. Collinsworth merits the highest praise—the other officers merit also the confidence of every man. The fruits of this enterprise are twenty-one prisoners—four officers, one Colonel Commandant, one Captain, two Lieutenants,—and nineteen privates; a considerable quantity of arms—two Brass field pieces, one hundred and fifty or two hundred stand of muskets, and a small quantity of ammunition, how much, we do not exactly know, enough however to defend this place with, against the force of Cos and Ugartechea.

"We are informed that there are several hundred horses in the public

cavayard both below and above on the river; but as yet, or till twelve to-day, our force has been too small to detach a sufficient number of men to reconnoitre and bring them in. Between twelve and one o'clock, Alley and B. Smith, arrived with one hundred and eleven men, and since I commenced this page, Capt. Westover from the mission on the Nueces arrived with fifteen men, so that we now have one hundred and eighty in all. Smith and Alley inform us that there was three hundred at Gonzales when they left—and they say the force is no doubt augmented there by this time to four hundred—we are now in readiness for active, and combined operations. Twenty days will be apt to close the military career of Cos in Texas.

“To return to the action of the 9th here, the enemy report three killed seven wounded—we have one wounded, but badly—he will, however, probably recover. He is wounded in the shoulder—his name is M'Cullough from the La Vaca.

“The Col. Commandant, Captain, and First Lieutenant were dispatched yesterday, under a strong guard, to San Felipe; the other Officer and Lieutenant are among the wounded. The other persons are not yet disposed of.

“It is but justifiable to notice particularly, for reasons well understood, the part taken and acted in the capture of these works, by P. Dimmit. During the action, no man could have behaved better or more bravely; and since his usefulness has been obvious to every man present.

“So short a time has elapsed since the arrival of Alley, Smith and Westover, that no plan is yet formed for the Government of our future movements. Of one thing, however, I feel at liberty to assure you; that we shall act, and that quickly. Expresses are expected tonight; these will decide our arrangements.

“Col. Milam, who is direct from Monclova, informs us, that Zacatecas is up and arming, resolved on one more desperate struggle for her rights. All here are in good spirits and think themselves enough to make short work of the balance of our undertaking.”

Goliad remained in the hands of the Texans from this time until March, 1836, when it was abandoned by Colonel Fannin. The supplies captured here were of great value to the volunteers during the early part of the campaign of 1835.

General Austin, with the main army, took up the line of march westward, and halted at Salado, where he took up a strong position, to await reinforcements—his force at the time not exceeding three hundred men. While here the Texans had several skirmishes with Cos's troops, in all of which the latter were worsted. A number of the members-elect of the consultation joined the army at this place. A number of troops also, from East Texas joined the army. Austin, impatient of longer delay, prepared to move. However, before doing so, the question of whether the members of the consultation should remain with the army or return to San Felipe de Austin and organize a provisional government was submitted to a vote of the army and it was decided almost unanimously that they should return and organize a provisional government for Texas. It had become apparent that Bexar could not be taken by assault without a great sacrifice of life; for since the capture of Goliad, Cos, who had arrived on October 9, had lost no time

in strengthening and fortifying the town preparatory to a seige. He had refused to receive a flag from General Austin, notifying him that if a flag was sent he would fire on it.

The army left Salado and marched to Mission Espada on the San Antonio River, some eight or ten miles below San Antonio de Bexar. General Austin, desiring a position nearer the town, dispatched two companies commanded by Captain James W. Fannin, Jr. and Andrew Briscoe, all subject to the orders of Colonel James Bowie with orders to examine the missions above and select a good position for an encampment. On the 27th of October, in compliance with their orders they set out, and after examining the missions San Juan and San José they proceeded to Mission La Purissima Concepción, where they selected a spot some five hundred yards above the mission, in a bend of the river. In front, there was an almost level prairie with a few mesquite trees, which extended into the bend. The bend, which was skirted with timber, formed two sides of a triangle of nearly equal extent. Within the bend there was a bottom fifty or one hundred yards wide and from six to ten feet below the plain in front, with an almost perpendicular bluff. The command was posted along the skirt of timbers on either side of the triangle. It was naturally a strong position, the timber and river being in the rear, with the bluff a natural parapet, to fall behind. Here the detachment lay on their arms all night, having first put out a picket guard. All passed off quietly during the night, but in taking a position and remaining there all night, the detachment acted contrary to instructions, as will be seen by the following order:

“HEAD-QUARTERS, MISSION ESPADA, October 27, 1835.

“*Colonel James Bowie, Volunteer Aid:*

“You will proceed with the first division of Captain Fannin’s company and others attached to that division and select the best and most secure position that can be had on the river, as near Bexar as practicable, to encamp the army to-night—keeping in view in the selection of this position pasturage and the security of the horses and the army from night attacks of the enemy.

“You will also reconnoiter, so far as time and circumstances will permit, the situation of the outskirts of the town and the approaches to it, whether the houses have been destroyed on the outside, so as to leave every approach exposed to the raking of cannon.

“You will make your report with *as little delay as possible*, SO AS TO GIVE TIME TO THE ARMY TO MARCH AND TAKE UP ITS POSITION BEFORE NIGHT. Should you be attacked by a large force, send expresses *immediately* with the particulars.

“S. F. AUSTIN.

“By order, P. W. Grayson, *Aide-de-Camp.*”

While they were in this position, on the morning of the 28th, a desperate engagement was fought with a detachment of the Mexican force from Bexar. It is fully described in the official report to General Austin, which follows:

“DEAR SIR: In conformity with your order of the 27th inst., we proceeded with the division composed of ninety-two men, rank and file, under our joint command, to examine the Missions above Espada, and select the most eligible situation near Bejar, for the encampment of

the main army of Texas. After carefully examining that of San José (having previously visited San Juan) we marched to that of Concepción, and selected our ground in a bend of the river San Antonio, within about five hundred yards of the old Mission Concepción. The face of the plain in our front was nearly level, and the timbered land adjoining it formed two sides of a triangle, both of which were as nearly equal as possible; and, with the exception of two places, a considerable bluff of from six to ten feet sudden fall in our rear, and a bottom of fifty to one hundred yards to the river.

"We divided the command into divisions, and occupied each one side of the triangle, for the encampment on the night of the 27th, Captain Fannin's company being under cover of the south side, forming the first division, and Captains Coleman, Goheen, and Bennet's companies, (making in all only forty-one, rank and file) occupied the north side, under the immediate command of myself, (James Bowie, as aide-de-camp).

"Thus the men were posted, and lay on their arms during the night of the 27th, having out strong picket guards, and one of seven men in the cupola of the Mission-house, which overlooked the whole country, the horses being all tied up.

"The night passed quietly off, without the least alarm, and at dawn of day, every object was obscured by a heavy, dense fog, which entirely prevented our guard, or look-out from the Mission, seeing the approach of the enemy.

"At about half an hour by sun, an advance guard of their cavalry rode upon our line, and fired at a sentinel who had just been relieved, who returned the fire, and caused one platoon to retire; but another charged on him (Henry Karnes), and he discharged a pistol at them, which had the same effect.

"The men were called to arms; but were for some time unable to discover their foes, who had entirely surrounded the position, and kept up a constant firing, at a distance, with no other effect than a waste of ammunition on their part. When the fog rose, it was apparent to all that we were surrounded, and a desperate fight was inevitable, all communications with the main army being cut off. Immediate preparation was made, by extending our right flank (first division) to the south, and placing the second division on the left, on the same side, so that they might be enabled to rake the enemy's, should they charge into the angle, and prevent the effects of a cross-fire of our own men; and, at the same time, be in a compact body, contiguous to each other, that either might reinforce the other, at the shortest notice, without crossing the angle, in an exposed and uncovered ground, where certain loss must have resulted. The men, in the meantime, were ordered to clear away bushes and vines, under the hill and along the margin, and at the steepest places to cut steps for foot-holds, in order to afford them space to form and pass, and at suitable places ascend the bluff, discharge their rifles, and fall back to re-load. The work was not completed to our wish, before the infantry were seen to advance, with arms trailed, to the right of the first division, and form the line of battle at about two hundred yards distance from the right flank. Five companies of

their calvalry supported them, covering our whole front and flanks. Their infantry was also supported by a large force of cavalry.

"In this manner, the engagement commenced at about the hour of eight o'clock, A. M., on Wednesday, 28th of October, by the deadly crack of a rifle from the extreme right. The engagement was immediately general. The discharge from the enemy was one continued blaze of fire, whilst that from our lines, was more slowly delivered, but with good aim and deadly effect, each man retiring under cover of the hill and timber, to give place to others, whilst he re-loaded. The battle had not lasted more than ten minutes, before a brass double-fortified four-pounder was opened on our line with a heavy discharge of grape and canister, at the distance of about eighty yards from the right flank of the first division, and a charge sounded. But the cannon was cleared, as if by magic, and a check put to the charge. The same experiment was resorted to, with like success, three times, the division advancing under the hill at each fire, and thus approximating near the cannon and victory. 'The cannon and victory' was truly the war-cry, and they only fired it five times, and it had been three times cleared, and their charge as often broken, before a disorderly and precipitate retreat was sounded, and most readily obeyed, leaving to the victors their cannon. Thus a small detachment of ninety-two men gained a most decisive victory over the main army of the central government, being at least four to one, with only the loss of one brave soldier (Richard Andrews), and none wounded; whilst the enemy suffered in killed and wounded near one hundred, from the best information we can obtain, which is entitled to credit; say sixty-seven killed, among them many promising officers. Not one man of the artillery company escaped unhurt.

"No invidious distinction can be drawn between any officer or private, on this occasion. Every man was a soldier, and did his duty, agreeable to the situation and circumstances under which he was placed.

"It may not be amiss here to say, that near the close of the engagement another heavy piece of artillery was brought up, and fired thrice, but at a distance; and by a reinforcement of another company of cavalry, aided by six mules, ready harnessed, they got it off. The main army reached us in about one hour after the enemy's retreat. Had it been possible to communicate with you, and [to have] brought you up earlier, the victory would have been decisive, and Bexar ours before twelve o'clock.

"With sentiments of high consideration, we subscribe ourselves,
Yours, most respectfully,

"JAMES BOWIE, *Aide-de-Camp.*

"J. W. FANNIN, *Commandant first division.*

"General S. F. Austin."

The following communication by Major Moses Austin Bryan affords a good reason why the main army did not reach Concepción in time to participate in the battle of the 28th October. He also mentions the name of Captain Andrew Briscoe, who commanded one of the two companies detailed. General Austin made the order to Colonel Bowie, but only mentions Captain Fannin. In the report of the battle by Bowie and

Fannin Captains Coleman, Goheen, and Bennett were mentioned. These gentlemen may have had a small squad of men, each, but not a company; for subsequent to the battle, the squads of Coleman and Goheen united, and elected Coleman to the command of the company thus formed.

With this explanation, we subjoin Major Bryan's communication:

"On the morning of the 27th of October 1835 the 'Army of the people' was camped at the Mission de Espada about nine miles below San Antonio and General Stephen F. Austin, wishing to occupy a position as near the town as possible, ordered Colonel James Bowie (a volunteer Aid) to take the companies of Captain James W. Fannin (The Brazos Guards) and the Harrisburg company, Captain Andrew Briscoe, and select a suitable camp and report that afternoon at camp with his two companies. About 9 o'clock at night D. B. Macomb (Assistant Adjutant General) who went with Colonel Bowie returned to camp and reported that a position had been selected about 1½ miles below San Antonio on the river and that Colonel Bowie, Captain Fannin and Captain Briscoe considered the position so strong, that they had concluded not to return to Espada, but would await the arrival of the army in their camp. General Austin was very much worried, as he believed the small party of ninety-two men would be attacked next morning by daylight and he ordered his adjutant General Warren D. C. Hall and his aide-de-camp William T. Austin to go and see all the officers of the army and notify them that the army must be ready to march at daylight the next morning, as he felt sure General Cos would attack Bowie, Fannin, and Briscoe. The General was in feeble health and the anxiety he felt for the detachment kept him from sleeping that night. At daylight on the morning of the 28 October it was reported to the General that the company from Eastern Texas which was the camp guard had marched off and it was reported that General Sam Houston with three or four other delegates to the consultation had left before daylight for San Felipe de Austin where the consultation had been called to meet on the 15th of October. The General ordered that two companies be sent immediately after the deserting company. The army, all ready to march, was detained I think two hours waiting the return of the two companies with the deserting company. The two companies returned without the deserters and the army took up the line of march for the Mission Concepción, near which was the camp ground selected by Colonel Bowie. When the main army arrived at the camp the Mexican soldiers who attacked Bowie, Fannin and Briscoe were in sight retreating into San Antonio. As the General rode up Bowie, Fannin, and Briscoe came out and met him and he told them he wished to follow the Mexicans into town immediately. They protested that the place was too strongly fortified, etc. The General dismounted and the army halted at the new camp, and as soon as the General's tent was pitched he called a council of war, and advised following the defeated Mexicans into San Antonio. A majority of the officers in council disapproved of the General's views and the army camped in the position selected.

"Captain Robert J. Calder, who was a Lieutenant in Captain James W. Fannin's company, will probably remember about the council of war, etc. I was General Austin's private secretary and was by his side

in camp, and on the march all the time and know the above stated facts."

"MOSES AUSTIN BRYAN."

As will be seen by the following communication, Austin, with a division of the army, took a position above the town, at the Old Mill, while Bowie and Fannin with a weaker force occupied Concepción.

"HEAD-QUARTERS, ON THE CANAL ABOVE BEXAR,
October 31, 1835.

"Colonel James Bowie and Captain Fannin:

"I have taken a position on the Alamo Canal, at the mouth of a dry gully about one mile from town. There is one a little nearer, but it cannot be occupied to-day. I have certain information that all the surplus horses, except about 150 or 200, were started to Laredo last night. The number that left is reported 900 head. The escort does not exceed twenty or thirty men.

"I have dispatched Captain Travis, with 50 men, to overtake and capture them. He has guides, and I have no doubt will succeed.

"I have to inform you that a servant of Antonio de la Garza came into camp to-day, bringing a proposition from the greater part of the San Fernando company of cavalry, and the one of Rio Grande—to desert. This man was sent to procure a guarantee for them when they come out. I have given the guarantee, and have now to communicate to you the mode in which they will come out to us—where, etc. He says they will be obliged to come in the day time, upon some occasion of alarm, when they are ordered out. These troops are stationed in the house of Padilla, in one of the lower *labors* which Colonel Bowie understands the situation of. It would be well, then, for you to-morrow to make a diversion on that side, so as to produce the necessary stir; so that they may be ordered out, and thus give the men the chance to come out as it were on duty, and then escape. They will present themselves with the butts of their guns advanced, or a white flag. Padilla has many acquaintances in those companies, who sent Garza's servant (José Ortiz) to have an understanding with him as to the guarantees and the mode of joining us.

"In regard to the measure of harassing the enemy tonight, as was spoken of before we parted, by simultaneous firing on the town, I have to say that I am obliged to decline, owing partly to the condition of the men here at present, having lost so much sleep last night; and partly to the difficulty of crossing the river from here, so as to co-operate in time with the men on foot. As you will make a diversion to-morrow for the purpose of bringing on the deserters, you will therefore decline anything of the kind to-night, unless you think it better to proceed on your part. If you think so, you can act as you think best, in that respect, but without expecting any co-operation from this quarter, for the reason I have mentioned. I will, however, mention that a few men from here may probably fire on the Alamo, which is, you know, on this side of the river—about moon-down.

"As there is abundance of corn here, you can use that brought by Seguin for your detachment.

"I wish you to send to Seguin's ranch for some rockets, that are there—two or three dozen. In Spanish they are called *quetes*, pronounced *quates*—we may want them.

"Please to give me your opinions and those of your officers as to the mode of further operations on the enemy.

"S. F. AUSTIN.

"By order, W. D. C. Hall,

"Dispatch the bearer with your answer to-night, as soon as possible. I wish your opinions as to storming or besieging. S. F. A."

"CAMP CONCEPCION, 9 O'CLOCK P. M. October 31, 1835.

"General S. F. Austin.

"DEAR SIR: Yours of this date has this moment been received, and contents duly considered.

"We will make the desired diversion on to-morrow, in order to afford those companies protection should they desire to join us, as early as circumstances and the weather will admit, say nine o'clock.

"We have received many reports with regard to the disposition of the troops, and some of the officers, but so various as to make it doubtful what degree of credit should be attached to them. No doubt, however, exists but provisions are short, and we can compel them by close siege to fight us outside, starve, or run away. If these troops join us on to-morrow or any other time, we propose to you to be in readiness to enter the town forthwith.

"In order to effect this object, let us agree to send our respective parties, at the *same hour* in the *morning*, so as to be *always* ready to act in concert, and thereby effect our object with as little loss and as much certainty as practicable.

"If this be done and all communication of every sort, with the city *stopped at once*, and these two companies do not join us in a given time (say five days or some certain day), let us storm the town simultaneously. We cannot doubt for a moment the result.

"The corn from Seguin's ranch was received this morning, and is quite respectable.

"In conclusion we will endeavor to perform our duty below town, and do most earnestly request, nay urge, that a more regular communication with each other, twice a day if possible, be kept up.

"JAMES BOWIE

"J. W. FANNIN, JR."

In these positions the forces at San Antonio gained strength daily by the arrival of volunteers, and here we must leave them for a time and turn to the consultation assembling at San Felipe.

CHAPTER XVI

THE PERMANENT COUNCIL AND THE CONSULTATION

We will now turn to the civil department. On October 1 Colonel Austin, as chairman of the San Felipe committee, proposed to the other committees of Texas the formation of a central representative committee, pending the meeting of the consultation: "This committee proposes that one of the members of each of the other committees of safety be appointed to come to this place without one moment's delay, and remain here as a permanent counsel—such a measure is now deemed to be indispensably necessary." On the 8th, as we have seen, Colonel Austin was called to the command of the volunteers at Gonzales. In the meantime, only two committees had responded to his urgent request. R. R. Royall had been sent by the committee of Matagorda and Joseph Bryan by the committee of Liberty. At the same time several members of the San Felipe committee had gone to join the army. A reorganization of the committee was therefore effected, as the following minutes will show:

"Resolved, That Mr. Bryan take his seat. And whereas most of the members of this committee have left, or are about to leave, this place to join the army of the people,

"Resolved, That William Pettus be appointed a member and that hereafter, all business be transacted in the name of the Permanent Council of Texas.

"G. BORDEN, JR.

"Chairman pro tem of the Com. of Safety."

"At a meeting of the Permanent Council William Pettus being called to the chair, and Gail Borden, Jr., appointed secretary.

"Resolved, That this body proceed to the appointment of its officers. Whereupon R. R. Royall was unanimously elected president, and C. B. Stewart appointed secretary of the Permanent council "

During the next few days little of importance was done by the council. Royall took up the work that Austin had been doing in spreading information and urging organization, and kept up a steady correspondence with Austin in the army. On the 14th the council appointed Captain William S. Hall "contractor for the army of the people," and instructed him to proceed with all possible dispatch to collect supplies for Austin's forces. In case he met with obstacles he was empowered to press into service "any Valuables that may be necessary to a speedy and prompt co-operation with our force at headquarters." And on the 15th Royall issued an urgent circular begging the

people to turn out promptly and march to the assistance of the volunteers who were advancing toward San Antonio.

On the 16th thirty members of the consultation assembled at San Felipe. Those present were:

From the Municipality of Bevil:

John Bevil, Wyatt Hanks, Thomas Holmes, S. H. Everett, John H. Blount.

From the Municipality of San Augustine:

A. Houston, Jacob Garrett, Wm. N. Sigler, A. E. C. Johnson.

From the Municipality of Harrisburg:

Lorenzo de Zavala, Clement C. Dyer, Wm. P. Harris.

From the Municipality of Matagorda:

Ira R. Lewis, R. R. Royall, Charles Wilson.

From the Municipality of Viesca:

J. G. W. Pierson, J. L. Hood, S. T. Allen, A. G. Perry, J. W. Parker, Alexander Thompson.

From the Municipality of Nacogdoches:

Wm. Whitaker, Sam. Houston, Daniel Parker, James W. Robinson, N. Robins.

From the Municipality of Columbia:

John A. Wharton, Henry Smith, Edwin Waller, J. S. D. Byrom.

The municipalities of Liberty, Gonzales, Mina, and Washington were unrepresented at this first meeting, but Henry Millard, Claiborne West, A. B. Hardin, James B. Wood, Hugh B. Johnson, and Peter J. Menard soon arrived from Liberty.

"On motion of Daniel Parker, seconded by Sam Houston,

"Resolved,—That the letters and other documents lately received from the army shall be communicated by the chairman, so the chairman read to the meeting all letters and papers in his possession.

"On motion of Wyly Martin, seconded by S. H. Everett, the meeting was adjourned till to-morrow morning, 17th October at 6 o'clock."

"R. R. ROYALL, *Chairman*.

"SAMUEL WHITING, *Secretary*."

"SATURDAY, October 17, 1835.

"Agreeably to adjournment, the meeting of the Council, or consultation, was again opened at 6 o'clock A. M.

The minutes of the meeting were read, and the roll called, and, all being present, they proceeded to business.

"On motion of Daniel Parker, seconded by John A. Wharton, the following preamble, and resolutions were unanimously adopted:

"Whereas there is not a sufficient number of members present to form a quorum of the consultation owing to the members being absent in the army, therefore be it

"Resolved—that the members present adjourn until the first day of next month, or as soon as a quorum can meet in this place, so as to afford an opportunity to those who may desire it to join the army in defense of their country.

"Resolved—That those who cannot join the army may remain here

with the council of Texas, and have access to all the intelligence in possession of the council, relative to the present crisis.

"Resolved—That they be requested to transmit all the information of importance to the several municipalities by which they have been delegated and whatever else which of right they ought to do."

"R. R. ROYALL, *Chairman*,

"SAMUEL WHITING, *Secretary*."

This action was in accordance with the desire of the members-elect who were in the ranks of Austin's army. Before leaving Gonzales they had adopted on the 11th resolutions requesting all members to join the army, equipped for a campaign: "Resolved, That if any portion of the Convention meet at the time and place appointed and find it impracticable to repair to the camp, as invited in the foregoing resolution, that they be requested if they amount to quorum to adjourn from day to day and suspend all action until the first of November."

At the same time, on account of the confusion previously noticed as to the place where the consultation was to meet, several delegates had assembled at Washington, and before adjourning they adopted resolutions to reassemble there on November 1.

On the 18th the permanent council had in attendance the following members:

President: R. R. Royall.

Delegates of Viesca: A. G. Perry, J. T. Hood, J. G. W. Pierson, Alex. Thompson, S. T. Allen, J. W. Parker.

Delegates of Nacogdoches: William Whitaker, Daniel Parker.

Delegates of Liberty: Joseph Bryan, Hugh B. Johnson, Peter J. Menard, A. B. Hardin, J. B. Wood.

Delegates of San Augustine: Jacob Garrett, A. Houston.

Delegate of Austin: William Pettus.

Delegate of Harrisburg: Isaac Batterson.

Secretary: J. G. W. Pierson.

From this time until it was superseded by the consultation the council took in hand a number of important measures. On the 18th a second urgent appeal was addressed to the people, begging them to take the field. On the 23d Baker and Johnson, who had been sent by Austin to organize public opinion in East Texas reported the result of their labors, and this report apparently suggested several of the subsequent measures of the council:

"SAN FELIPE, October 23, 1835.

"*To The Chairman of the General Council of Texas.*

"SIR: On yesterday evening we returned from Nacogdoches, to which place we went about three weeks since, carrying, at the request of Colonel Austin, information of the landing of General Cos, with instructions to solicit aid from that section of the country for the purpose of expelling him from Texas.

"Much division, on our arrival, we found to exist among the people; but the letters of Colonel Austin, and the actual invasion of the country, had the happy effect of producing unanimity of sentiment and instant unison of action. And the ardor and enthusiasm which

pervaded every one when we left does credit to that section, and is a guarantee to this that in the hour of danger we will by them be supported. About eighty men immediately prepared, and started to join the army at San Antonio, and we presume by this have arrived at headquarters. About eighty men are now on the road, and crossed the Brazos at Washington, probably on yesterday evening. This latter company are entirely from the jurisdiction of San Augustine, under the command of Colonel Sublet. Although that section of the country can probably raise one thousand men, the difficulty of procuring horses, arms, and the necessary equipments is so great that it is not to be expected that they will send a large force at once. Under all the circumstances we think they have so far done very well; and we have no doubt they will still continue to do so, and that we may expect to be aided from that quarter as fast as the people can prepare. The committee of Nacogdoches were very active, being constantly engaged in procuring arms and horses and provisions; and they deserve the thanks of Texas. We had no opportunity of judging of the committee of San Augustine, not having been there. The manner, however, in duty. We regret to have the mortification to state that the people on which the citizens have turned out, manifests that they have done their the Sabine have refused to aid the cause of Texas. From Bevil's statement, we were informed, a company of about sixty were to have started about a week since; and the people generally, through the country along which we passed, were preparing to come on. But late Indian depredations along the road will probably detain many at home.

"Much excitement existed through the country from Trinity to Sabine about the time of our arrival at Nacogdoches on the supposition that the northern Indians were unfriendly. We have taken much pains to investigate the facts; and, although appearances were then very much against the Indians, no doubt now exists of their friendly intentions. About one month since a general council of the twelve northern tribes was held at the Cherokee village, at which no white man was permitted to be present. During the session of their council, many hostile indications appeared, and the general opinion of the Americans was that the Indians intended siding with the Mexicans. Upon the breaking up of the council, however, the Indians manifested friendship, and the reasons for their conduct during the session, we consider, are these. The war chief of the Cherokees and other chiefs had just returned from San Antonio, to which place they had gone at the request of Ugartechea, who endeavored to enlist them on his side.

"The chiefs, on their return, called this general council and debated the questions what course to pursue. All the supposed invasions of the Americans in their rights were regularly called up, and discussed. The killing of three Cherokee Indians, not long since, also the killing of Cushates, and the surveying of their lands. The result of their consultation was to remain friendly with the Americans, and to appeal to the convention for protection and redress. One of us (Mr. Baker) was present at the meeting held with the chiefs, at Nacogdoches, and no doubt can exist of the friendly feeling of the northern Indians. Secure them in their possessions, treat them in a frank, manly, inde-

pendent manner, and you secure their friendship, and hereafter, if necessary, their co-operation.

"Bowles, the war chief, and Big Mush, the civil chief of the Cherokees, with three other chiefs, are now on their way, as members of the convention, with full powers to represent all the northern Indians. It is questionable whether they could be induced to act against the Caddos, Ionies, Kechies, and Huacos. Owing to the many misrepresentations which have, of late, been made, the Indians have appointed their present delegation to represent them, and desire that the Americans will listen to nothing but what comes from them. They also desire to have one particular channel of communication, on the part of the Americans; Colonel Austin, or General Houston, would probably be the best, and during their absence, we would suggest the propriety of appointing a standing committee to communicate with them.

"Many persons are in the country, receiving lands, who have never been on an Indian campaign, and who now refuse to aid in the war. As such people do not benefit the country, we can see no good reason why the country should benefit them; and we would suggest the propriety of your adopting a resolution, recommending that such persons should receive nothing until the convention can decide upon their merits. Many persons are also detained at home for the purpose of speculating on land, and for the purpose of surveying; and we would suggest to your body the propriety of recommending to the commissioners to close their offices, until the present critical moment shall pass over, when they can again open them.

"Some few persons are also endeavoring to create the impression through the country that the government is very friendly, and that the people ought to stay at home, and that by turning out they will be guilty of treason. We suggest to your body the propriety of reporting some of these individuals to the army, in order that some steps may be taken in regard to the matter.

"We have already, in a separate communication, transmitted to you the resolutions of Natchitoches, forwarded from the committee of Nacogdoches.

"We cannot close this letter without particularly bringing to your notice the generous and patriotic conduct of Mr. Joseph Durst, on the Angelina. During the nineteen days we were at his house, he was always active in forwarding the expresses, and furnishing horses; charging nothing, and desires us to say that whatever he had, was at command.

Respectfully,

"MOSELY BAKER,
"F. W. JOHNSON."

Public opinion in East Texas at this time is further illustrated by the following address from the committee of safety and correspondence of Liberty:

"Fellow-Citizens:

"The committee of safety for the municipality of Liberty, in the exercise of the functions delegated to them, feel it their duty to address

their fellow-citizens of the municipality, on the present interesting nature of our public affairs.

"The committee are sensible that many worthy and patriotic citizens have been opposed, on principles which they esteemed sound and correct, to a rupture with the authorities of Mexico. The committee know how to appreciate such opposition and the motives from which it proceeds. But they would earnestly solicit such as still adhere to an opposition which may have been innocent, and even praise-worthy in its origin, to reconsider the subject, and to inquire whether the present situation of the country does not essentially change the ground on which their opposition was predicated. The committee are free to declare that they, too, were advocates for peace, while peace was practicable on terms compatible with the welfare, the honor, and the future safety of Texas, and of the constitution which we have all sworn to support and obey. The hope of such a peace has departed, without leaving a single ray of light to guide the most credulous in the indulgence of it. We, therefore, call upon all such, to abandon an opposition which, however commendable in its origin, can *now* have no application to the circumstances of the country. Right principles never change; but, in the application of principles to facts, there are many modifications. The federal constitution and the constitution of the states have been violently destroyed, and the actual powers of the government are usurped by the military, who are exercising them with the wonted cruelty and recklessness of the rights of citizens that has always characterized the dominion of the sword.

"Of those of our fellow-citizens who regard the sanctity of their oaths of allegiance and allege it as a reason for opposing their countrymen now in arms, we would enquire what is the obligation of that oath? Most clearly, it is to support the federal and state constitution. But where are those constitutions? They have been rent to atoms, and their scattered fragments are to be traced, in lines of blood, beneath the trampling of the usurper's cavalry, on the plains of Zacatecas.

"Texas is but pursuing the noble, unsuccessful example of that high minded state. She has resolved to sustain a legitimate government, or to perish in the attempt; to oppose the tide of military and ecclesiastical usurpation, and to roll it back upon the unholy league. And she looks with confidence for the aid of her adjacent sister states, who have already experienced the bitterness of military misrule. For this purpose the sword is already drawn; our fellow-citizens are in the field, the banner of liberty is unfolded, and the high example of lawful resistance to unlawful usurpation is exhibited in the gleam of their rifles and the thunder of their cannon, before the walls of San Antonio.

"The committee would, therefore, affectionately appeal to such of their fellow-citizens as are still holding back from the good work, in the language of the holy prophet, 'Why halt ye between two opinions?' If the constitution be the object of your allegiance, then rise up, like men, and support the constitution. If Santa Anna and his military vassals be the government you desire, then avow yourselves the degraded minions of an unprincipled and infuriated despotism. The contest is for liberty or slavery; for life or death; for the tranquil possession of the country we have redeemed from barbarism, or a forced

ble ejection from it. It admits of no neutrals. Those who are not for us are against us. Those who refuse to save the country cannot hope to participate in the benefits of its salvation. Our numbers are few, but they are a band of heroes, and fear not the issue. Union is always important. The concurrence of every citizen is desirable. The few who still maintain their opposition are not dreaded; their number is small, their influence insignificant. But 'Texas expects every man to do his duty.' The door of conciliation is open, and all are invited to enter. They will be received with cordiality, the past forgotten, and the future only will be regarded. The times are critical, the emergency is pressing, and calls for promptitude and energy. Texas is at war; and every citizen who shall be found in practices inimical to her interests will be dealt with according to the utmost rigor of military law.

"The committee urge these things, not in the spirit of dictation, but of friendly admonition; not to alarm, but to convince and to allure every misguided citizen into the path of duty, of interest, and of honor. The aged and the infirm who cannot take the field can contribute of their substance; the young, the robust, and the gallant, are exhorted to repair to the camp, to unite with their brethren in arms, and to exhibit themselves the worthy descendants of the heroes of '76. Horses, arms, and ammunition are wanted, steady hands and brave hearts are wanted to repel the storm of desolation that lowers over our beautiful country. Let no man hold back too long; there is danger in delay: there is mischief in disunion: there is safety, happiness, and a speedy peace in a united, prompt, and decisive exertion of our strength. The committee would repeat the motto of the gallant hero of Trafalgar, 'Texas expects every man to do his duty.'

"EDWARD TANNER,
 "DAVID G. BURNET,
 "WM. HARDIN,
 "JESSE DEVONE,
 "B. K. SPINKS,
 "HENRY W. FARLEY.

"LIBERTY, October 24, 1835."

On receipt of this address by the General Council, it was ordered, on motion of Mr. Bryan, of Liberty, that two hundred and fifty copies should be published.

The following are the Natchitoches resolutions, mentioned by Baker and Johnson in their communication:

"RESOLUTIONS PASSED AT A MEETING OF THE CITIZENS OF NATCHITOCHES.

"At a meeting of the citizens of Natchitoches, convened on the 7th of October, 1835, at the Red River Exchange, Dr. John Sibley was called to the chair, and J. B. Carr was appointed secretary.

"John R. Dunn, Esqr., having in an appropriate address, declared the object of this meeting to be to express our sympathy with the inhabitants of Texas, who are about to suffer from a lawless and tyrannical attempt to trample their liberties under foot, and to deprive them

of the rights and immunities to which, as men, and as free men, they are entitled.

"On motion of Dr. C. G. Lewis,

"Resolved. That a committee of five be appointed to prepare resolutions expressive of the sense of this meeting, on the alarming situation of affairs in the neighboring province of Texas. Whereupon Messrs. John R. Dunn, C. G. Lewis, P. W. Wilkins, D. S. Kaufman, and J. B. Carr, were appointed on said committee; and having retired, in a few moments reported the following preamble and resolutions, which were unanimously adopted.

"Whereas, the rights and liberties of our fellow-countrymen of the neighboring province of Texas are endangered by the violent and despotic course of General Santa Anna, the rights of their state trampled upon, the governor thrown into prison, and their legislature dispersed at the point of the bayonet; and whereas we have just learned, with great concern, that a trained band of myrmidons has lately landed near the mouth of the Brazos, under the command of General Cos, with the declared intention of 'disarming the people,' erecting a military government, and confiscating the property of the rebellious, therefore

"Resolved. That this meeting views the situation of the people of Texas as commanding their most lively feelings, and that we cannot look [unmoved] upon a brave and generous people, who have remained loyal to their oaths and the constitution, oppressed by an usurper who seeks to reduce them to the condition of slaves, by bayonets placed in the hands of a mercenary soldiery, whose whole end and aim are rapine and massacre.

"Resolved. That we will lend them all possible assistance in their struggles for liberty and the constitution, in the event that it may be necessary for them to throw off the yoke of their oppressor, and assume among the nations of the earth 'that independent station to which the laws of nature, and of Nature's God, entitle them.'

"Resolved. That the majority of the people of Texas are bone of our bone, and flesh of our flesh; that they are united to us by the ties of nativity and kindred; and that they are engaged in the same cause in defence of which *their* and *our* forefathers bled and died—the great cause of constitutional liberty.

"Resolved. That in times past we have freely, and with honest pride, contributed our aid to the disenthralment of Greece, the restoration of Poland, and the liberation of Mexico, and that we cannot now refuse our sympathy and aid to those who are advocating the same principles, and who are endeared to us by every tie that can bind one people to another.

"Resolved. That in the defence of Texas from an *external* enemy, the treasures and blood of some of the best citizens of the union, and especially of Louisiana, are freely expended; and that now, in the hour of her conflict and her trial, we cannot resist the call to protect her from the ruthless fangs of an internal despot.

"Resolved. That we feel proud that the citizens of Texas have shown an abiding attachment to the principles in which they have been educated; that, although few in numbers, they have shown themselves genuine Americans; that they have repudiated the ambitious and

dangerous attempts of Santa Anna at centralism, consolidation, and dictation; and that they are determined to pledge their lives, their fortunes, and their sacred honor, in defence of 'God and Liberty'

"Resolved. That copies of these resolutions be forwarded to the heads of the municipalities of Nacogdoches and San Augustine, and that they be published in the *Red River Herald*.

"The above resolutions having been adopted by acclamation, the meeting was addressed in an eloquent and appropriate manner by Messrs. Wilson, Kaufman, and Thompson, who spoke of the wrongs sustained by the people of Texas at the hands of Santa Anna; of the stern and patriotic resolution which was manifested by them not to succumb to the machinations by which it was attempted to infringe upon and destroy their rights, and to reduce them into the state of vassals to the arch-apostate of liberty, who has already filled the measure of his wicked ambition by destroying the freedom of the Mexican states. On motion,

"Resolved. That the meeting adjourn to meet on Wednesday next."

"JOHN SIBLEY, *President*.

"J. B. CARR, *Secretary*."

The foregoing proceedings, had at Natchitoches, are a fair exposé of the feeling of sympathy not only in Louisiana, but throughout the United States, with the people of Texas, in their heroic effort to maintain their natural and constitutional rights.

On October 23, following Baker and Johnson's report, the council adopted an address to the people of Texas, designed to counteract the influence of those who continued to urge non-resistance and conciliation; and on the 26th, moved no doubt by the Natchitoches resolutions just quoted, it extended an eloquent invitation to the citizens of the United States to assist the Texans in their struggle for liberty.

"*To the People of Texas.*

"FELLOW-CITIZENS: The General Council of all Texas, invested with full power to direct the political affairs of the country, earnestly desiring that you should be fully and satisfactorily informed of the actual condition of the Mexican government, and of the posture of affairs in Texas, again address you.

"We ask you to discard from your recollection the thousand rumors you may have heard of the political condition of the Mexican government, and of its intentions towards Texas, and to listen to what we have to say to you. We have been appointed by the delegates of Texas to represent the country until the Convention shall meet, and what we say to you is true, and no good citizen will doubt it. We solemnly warn you against the insidious and dangerous reports you every day hear; and we as solemnly warn you against listening to the equally insidious and dangerous doctrines of those who, too ignorant to understand the true condition of things, would persuade you that no danger exists, that no unfriendly feelings are entertained by the Mexican government against you, and that if you stay at home all will be well. We declare to you that such assertions are not true, and that if you

act under that belief, your country, your property and your liberties are lost.

“Under a republican federal government you emigrated to Texas, you abandoned your own dear and native republic, your relations and friends, and all the tender associations of life. You settled a wilderness, and encountered hardships and privations of every kind; you battled with, and conquered the Indians, and instead of the country which a few years since was one wide extended uncultivated forest, you now present to a wondering and admiring world, one that abounds in plenty, with wealth overflowing from every portion, and population scattered from the Sabine to the Rio Grande. You have added a flourishing country to the Mexican nation, and for all this you were promised protection to your lives, your persons and property. In consideration of this protection, you swore to support and maintain the Constitution and laws of the republican federal government of the Mexican United States. Up to this period you have been faithful observers of that oath, you have been scrupulously circumspect in adhering to the laws and institutions of the country, and the people of Texas may fearlessly challenge the whole world, and ask, ‘in what have we offended?’ With the form of government you were content, with the laws you were satisfied. You sought no change, and you desired no revolution; you dreamed not of war, and made no preparation for it. But, in the midst of this peace and prosperity, and supposed security, General Santa Anna was secretly undermining the Constitution; secretly and deliberately planning the destruction of your form of government, and paving the way for a military, ecclesiastical, consolidated government, one which he was to rule as supreme chief. Eighteen months ago he laid the plan of his future operations. Abandoning the republican party, who had made him president, he attached himself to the military and the clergy, and the remnants of the old Spanish aristocracy. He banished from the country every liberal of influence, and finally drove the members of Congress from their seats at the point of the bayonet. By his individual influence he returned to the next Congress a large majority of the aristocrats, and, at the last session of that body, he caused a resolution to be passed, declaring that the form of government should be changed, that the civil militia should be disbanded, and that only one gun should remain in the hands of every five hundred men; that the system of colonization should cease, that all foreigners should quit the republic, and finally, to consummate his ambitious views, he himself was declared, by the same Congress, dictator of the nation, with absolute power, having for his rule and guide nothing but his own will and pleasure. Against these outrages on the constitution, these usurpations of power, the state of Zacatecas protested. To compel her into obedience, the dictator marched against her, and defeated her citizens in battle. The town was pillaged, and the citizens massacred by the soldiery, and that gallant and sovereign state was reduced and made a military garrison. The state of Coahuila and Texas also protested against the same proceedings of Congress, and General Cos was ordered to put her down. He arrested the governor, dispersed and made prisoners many members of the legislature, disarmed the citizens, and garrisoned Monclova and was ordered with

a large force to Texas, but was prevented, by the disturbances of the interior, from coming until now.

"On the 19th of July last the Congress met in the City of Mexico, and resolved itself into a constituent Congress, and, with only nine dissenting voices, resolved that the form of government should be changed into a central one, and appointed a committee to report a constitution. The committee reported that there should be a supreme chief to rule the nation, who should be elected for eight years, re-eligible for life. That the senate should be compounded of twelve members, six generals and six bishops, to be appointed by the chief. That the house of representatives should be elected by the people owning a certain amount of property. That the states should be called districts, to be governed by a military commandant and bishop.

"This, fellow-citizens, is the new form of government under which Santa Anna proposes to bring you; and the question occurs have you the right to resist it? The oath you have taken compels you to resist it—but independent of that, you have the undoubted right to do so. The Mexican government is a confederacy of sovereign and independent states, formed by their voluntary union. Texas, at the time of the adoption of the Constitution, in 1824, was a sovereign member, and one of the parts that formed the confederacy; and she was so acknowledged by the general constituent Congress who formed the constitution by their decree of the 7th of May, 1824. The form of government into which she entered was a republican federative one—one congenial with the interest, and feelings, and education of her citizens. So long as this form of government continued, so long Texas was in duty bound to adhere to it, but the moment that form of government is destroyed, that moment Texas returns to her original sovereignty, and has the undoubted right to reject or acquiesce in any form that may be proposed. The republican federative government is now destroyed; Texas is now sovereign and independent, and has the right to say whether she will come under a new form of government, planned by Santa Anna, formed by the clergy and military, over which Santa Anna is to be chief.

"Texas has decided that she will not submit to the new government; and the question is now left to the fate of war. The strength of arms is to decide the issue; and the American and Mexican forces are now arrayed against each other. Fellow-citizens of Texas, one thousand of your number have already gone to the field of war. One thousand brave and generous spirits, one thousand true devoted Americans have already, like their fathers of the revolution, sworn to live free or die,—like their fathers in 1776, have pledged to each other 'their lives, their fortunes, and their sacred honor,' and have sworn to drive every Mexican soldier beyond the Rio Grande, or to whiten the soil with their bones. The cause in which they are engaged is not the cause of any party; it is the cause of Texas, it is a contest for liberty, it is an issue in which are involved the lives, the property, and freedom of the settlers of our country. They are fighting because Texas, by almost universal acclamation, has so ordered it; and no man can any longer be permitted to remain a silent and inactive spectator. There can now be no retreat, and he who is not the active friend of Texas,

the convention will shortly determine is her enemy. Will you longer remain idle? Will you longer refuse to turn out? Will you still continue to be passive spectators? No, fellow-citizens, we believe you will not. We believe some of you have been deceived; but now you can be deceived no longer: And we entreat you, by the sacred and endearing name of liberty, in the name of your patriotic and devoted fathers of the revolution, by all the tender ties that should bind one American to another, to rouse from your lethargy, and march to the field of war. Shall your friends, your neighbors? Shall Americans be slaughtered by a Mexican soldiery, and you not avenge their deaths? Shall they brave the cannon's mouth, and you not participate in the glory? Shall they shout victory from the battlements of San Antonio, and you not be there to join in the cry?

"Fellow-citizens of our common country, we again solemnly warn you of your danger; we again tell you that your aid is required; we again entreat you, without delay, to march to San Antonio. If you refuse, our duty constrains us to tell you that Texas in her prosperity, the convention in its indignation, the army flushed with victory, will remember you. The present generation may brand you with infamy. Posterity will remember it towards your children. He who does not now protect Texas, Texas will not protect him hereafter. He who confers no benefit on the country, the country will confer none on him. The public lands of Texas are for its protectors alone; punishment and disgrace alone for those who are secretly, silently, or openly its enemies. To Americans, to freemen, to the countrymen of Washington, to the friends of Texas, we have said enough. When you next hear from us, you will hear, in all probability, that the blood of our enemies has crimsoned the soil of our country.

"R. R. ROYALL, *President*.

"A. HUSTON, *Secretary*."

"To the Citizens of the United States of the North:

"The general council of all Texas, by a resolution unanimously adopted, have determined to address you in behalf of suffering Texas, and to invoke your assistance.

"A few plain facts will suffice to explain to you the political condition in which we are placed, and to satisfy you that we are engaged in a contest just and honorable and one which should command universal admiration and sympathy.

"Our citizens were invited to settle Texas by a government of a federal republican character, having for its model that of the government of the United States of the North. Under that invitation, and that promise of protection to our lives, persons and property, thousands emigrated here, and have subdued a vast and extended wilderness to the purposes of agriculture, and in place of the solitary region inhabited hitherto only by the savage and the beast, now present a country prosperous in the highest degree, with a population varying between sixty and one hundred thousand inhabitants, and having on its whole face inscribed one universal assurance of its future greatness and prosperity.

"Under this form of government and this invitation, thousands

have brought their property to this country, and invested thousands upon thousands of dollars in land. They have expatriated themselves from their native country, torn themselves from connections dear, given up the conveniences for privations of every sort.

"They have given security to the Mexican frontiers from Indian depredations, and made the mountains the boundary of the savages. And now, when we have accomplished all this, when we had just fairly established ourselves in peace and plenty, just brought around us our families and friends, the form of government under which we had been born and educated, and the only one to which we would have sworn allegiance, is destroyed by the usurper, Santa Anna, and a military government established in its stead.

"To this new form of government the people of Texas have refused to submit. They ground their opposition upon the facts that they have sworn to support the republican federative government of Mexico, and that their duty requires them now to stand out in opposition.

"Texas was one of the units that composed the government by the national constituent congress of 1824. She was acknowledged a sovereign and independent member of the confederacy. As a sovereign member she voluntarily united with the confederacy that forms the government, and upon the breaking up of that government she has unquestionably the right to accede or to reject the new one that may be proposed.

"The one now proposed is in opposition to her wishes, interests, and the education of the people. It protects only the interests of the military and the clergy, securing privileges to the one and intolerance of religion to the other. Such being its character, and our rights undoubted, the people of Texas, with one united voice, have rejected the new form of government, and have resolved to abide by their oaths to sustain the constitution. Public sentiment has already declared that Texas should be organized as a state government, under the constitution of 1824, or such other form of government as circumstances may require.

"Members to a convention have already been elected, and were to have met on the 15th of the present month. The invasion of the country by General Cos has, however, thus far prevented their meeting, as nearly every member is now in the field of war. At this time our army is besieging General Cos in San Antonio, but he is hourly expecting a reinforcement, and the people of Texas want aid of their own fellow-citizens, friends, and relations, of the United States of the North.

"What number of mercenary soldiers will invade our country we know not, but this much we do know, that the whole force of the nation that can possibly be spared will be sent to Texas, and we believe we have to fight superior numbers. But one sentiment animates every bosom, and every one is determined on 'victory or death.'

"Citizens of the United States of the North, we are but one people. Our fathers, side by side, fought the battles of the revolution. We, side by side, fought the battles of the war of 1812 and 1815. We were born under the same government—taught the same political creed, and we have wandered where danger and tyranny threaten us. You

are united to us by all the sacred ties that can bind one people to another. You are, many of you, our fathers and brothers—among you dwell our sisters and mothers—we are aliens to you only in country; our principles both moral and political are the same—our interest is one, and we require and ask your aid, and we earnestly appeal to your patriotism and generosity. We invite you to our country—we have land in abundance, and it shall be liberally bestowed on you. We have the finest country on the face of the globe. We invite you to enjoy it with us, and we pledge to you, as we are authorized to do, the lands of Texas and the honor and faith of the people, that every volunteer in our cause shall not only justly but generously be rewarded.

“The cause of Texas is plainly marked out. She will drive every Mexican soldier beyond her limits, or the people of Texas will leave before San Antonio the bones of their bodies. We will secure on a firm and solid basis our constitutional rights and privileges, or we will leave Texas a howling wilderness.

“We know that right is on our side, and we are now marching to the field of battle, reiterating our father’s motto, ‘to live free or die.’ And to the people of United States of the North we send this assurance, that though numbers may overwhelm us, no other feeling than that of the genuine American glowed in our bosoms, and though danger and destruction await us, no friend of theirs proved recreant to his country.

“Done in the council hall on the 26th day of October, 1835.

“R. R. ROYALL, *President*.

“A. HOUSTON, *Secretary*.”

The permanent council also took steps to inaugurate in several directions a permanent policy, which had to be left for the consultation to develop.

The first was the organization of a force of rangers for Indian defense. A resolution of the 18th authorized the employment of twenty-five men “to range” between the Brazos and Trinity Rivers, twenty-five between the Brazos and Colorado, and ten east of the Trinity. On the 26th twenty-five more were added to the force between the Brazos and the Trinity. On the 18th three commissioners were appointed to visit the Indians and promise them that the consultation would redress all their grievances.

Another important resolution of the 18th recommended that the consultation annul all land grants made under suspicious circumstances since 1833, and this was followed on the 27th by a resolution closing all the land offices and suspending surveys until the meeting of the consultation.

On the 20th a committee was appointed to consider the advisability of establishing a postal system. Two days later in a preliminary report the committee strongly favored it, and on the 23d John Rice Jones was appointed postmaster general to put the system into operation. On the 30th the committee made a detailed report, defining the duties of the postmaster general, fixing mail routes, and establishing postal rates. The rates were much the same as those prevailing in the United States

at that time, postage varying according to the size of the letter and the distance that it was to be carried. Four routes were fixed: One from San Felipe by Whiteside's in Cole's settlement, Washington, and Nacogdoches to San Augustine; one from San Felipe by Orozimbo, Columbia, Brazoria, and Quintana to Velasco; one from San Augustine by Zavala's to Bevil's Mill; and one from San Felipe by Harrisburg and Liberty to Belem's Ferry on the Sabine. This route was to be extended to Bexar as soon as it could be done with safety to the mail. Weekly service was to be inaugurated on all these routes, and it was hoped that Texas would thereby be enabled to present a more united front to the enemy.

On the 20th, consideration of finances began, when a committee was appointed to inquire into the state of the public funds, and report, if necessary, "a plan for replenishing them." The committee found that they sorely needed replenishing, and accordingly unfolded their plan: Commissioners were appointed to collect all public money in the hands of officials which had accumulated from land sales, stamped paper, or other sources; to negotiate loans on the public credit; and to take measures to enforce the continued payment of all fees formerly accruing to the government of Coahuila and Texas. On the 27th Thomas F. McKinney was appointed to obtain a loan of \$100,000 in New Orleans, but declined the commission. On the 31st, the last day of its existence, the council sanctioned the employment of privateers on the Gulf, and adopted a form for letters of marque and reprisal.¹

On November 1, in a report to the consultation, President Royall said: "The general council begs leave to report that now, on the organization of your honorable body, the duties of the council terminate, and it is with much satisfaction that we surrender into your hands the records of our proceedings. In the discharge of its duties, it became necessary for the council to take the responsibility of acts of magnitude. If in doing so we have transcended the authority that was intended to be delegated to us, we hope that the liberality of your assembly will attribute it to motives of rendering important, if not indispensable, aid to the cause in which Texas is engaged."

This report contained certain details not covered by the preceding summary. Information received from the army contractor gave "reasons to believe that upwards of one hundred beeves and a considerable quantity of corn meal are on the way, repairing to headquarters; and as connected with this subject, we will also inform you that supplies of sugar, coffee, bacon, blankets, shoes, tent cloths, etc., have been forwarded from Columbia, Brazoria and Matagorda. But as winter is approaching, high water and bad roads may be expected, we, therefore, recommend that a large quantity be forwarded to headquarters or some convenient point.

"We have reasons to believe that one eighteen pounder and a twelve pounder of artillery are on the way, with a fair proportion of powder and ball. . . .

¹ This summary of the work of the permanent council, October, 1835, is made by the editor from the journal of the council, which is published in *The Quarterly* of the Texas State Historical Association, VII, 249-271, and from documents collected by Johnson.

"Our finances arising from the receipts of dues for land, as will appear on file in Mr. Gail Borden's report, marked F, which were in his hands, is fifty-eight dollars and thirty cents; this money has been exhausted, and an advance by the president of the council of thirty-six dollars. There were also several hundred dollars in the hands of Mr. Money, the alcalde of the Municipality of Austin; upon this money several advances have been made by Mr. Cochran, and probably will nearly cover the amount of the money in the alcalde's hands; as such, you may consider that at this moment, the council is out of funds.

"Two Mexican officers, prisoners of war, are now on parole of honor, having the privilege of the town of San Felipe; it will be necessary that the president or some appointed authority of your body have observation over them, as may be usual or necessary.

"As some days may pass by before the consultation organize, a proper authority to receive and despatch expresses, the council is of opinion should be attended to, and the council is of opinion that you should appoint a committee for that purpose."

This report was received by the consultation on November 3 with a vote of thanks; and the permanent council dissolved, or, more properly speaking, was absorbed by the consultation.

While these movements had been taking place in Texas the finishing touches had been put to the centralization of the national government of Mexico. Kennedy briefly describes the changes in the constitution during the summer of 1835: "In July the General Congress met in the capital and resolved itself into a constituent congress, with power to effect organic reforms. It decided by a large majority that a central form of government should be adopted, and appointed a committee to report a constitution. The committee reported that there should be a Supreme Chief to rule the nation, who should be elected for eight years, and be re-elected for life—that the Senate should be composed of twelve members—six generals and six bishops, to be appointed by the chief—that the Representative Chamber should be elected by persons owning a certain amount of property; and that the states should be called Departments, to be governed by a military commandant and a bishop. On the 3d of October, 1835, the acting President of Mexico, General Barragan, issued the following decree, abolishing the legislative powers of the several states and established a Central Republic.

"OFFICE OF THE FIRST SECRETARY OF STATE, INTERIOR DEPARTMENT.

"His Excellency the President *pro tem* of the Mexican United States to the Inhabitants of the Republic. Know ye, that the General Congress has decreed the following:

"Art. 1. The present government of the states shall continue, notwithstanding the time fixed by the constitution may have expired; but shall be dependent for their continuance in the exercise of their attributes upon the Supreme Government of the nation.

"Art. 2. The legislatures shall immediately cease to exercise their legislative functions: but before dissolving, (and those which may be in recess meeting for the purpose) they shall appoint a Department Council, composed, for the present, of five individuals, chosen either within or without their own body, to act as a council to the governor;

and in case of vacancy in that office, they shall propose to the Supreme General Government three persons possessing the qualifications hitherto required: and until an appointment be made, the gubernatorial powers shall be exercised by the first on the list who is not an ecclesiastic.

"Art. 3. In those states where the legislature cannot be assembled within eight days, the Ayuntamiento of the capital shall act in its place, only for the purpose of electing the five individuals of the Department-Council.

"Art. 4. All the judges and tribunals of the states, and the administration of justice, shall continue as hitherto, until the organic law relative to this branch be formed. The responsibilities of the functionaries which could only be investigated before Congress, shall be referred to and concluded before the Supreme Court of the nation.

"Art. 5. All the subaltern officers of the state shall also continue for the present (the places which are vacant, or which may be vacated, not to be filled), but they, as well as the officers, revenues, and branches under their charge, remain subject to, and at the disposal of, the Supreme Government of the nation, by means of the respective Governor.

"Palace of the Federal Government in Mexico, Oct. 3d, 1835.

"MIGUEL BARRAGAN, A. D.

Manuel Diez de Bonilla."

This, therefore, was the situation in national affairs when the consultation assembled. The elections of September and October had resulted in the choice of the following members of the consultation:

DEPARTMENT OF BRAZOS

Jurisdiction of Austin: Stephen F. Austin, Thomas Barnett, Jesse Burnham, Randall Jones, Wily Martin, William Menifee, W. Barrett Travis.

Jurisdiction of Columbia: Wm. H. Wharton, Henry Smith, B. T. Archer, W. D. C. Hall, Edwin Waller, J. S. D. Byrom, John A. Wharton.

Jurisdiction of Matagorda: R. R. Royall, Chas. Wilson, J. R. Lewis, James Kerr, George Sutherland, Francis M. White.

Jurisdiction of Harrisburg: Lorenzo de Zavala, Geo. M. Patrick, Wm. P. Harris, C. C. Dyer, M. W. Smith, John W. Moore, David B. McComb.

Jurisdiction of Washington: Asa Mitchell, Asa Hoxey, Jesse Grimes, C. Collard, M. Millican, Wm. Shepherd, Philip Coe.

Jurisdiction of Gonzales: Wm. S. Fisher, J. B. Clement, Benj. Fuqua, Geo. W. Davis, Thos. R. Miller, James Hodge, Wm. Arrington.

Jurisdiction of Mina: J. S. Lester, D. C. Barrett, Edward Bufleson, R. M. Coleman, B. Manlove, Bartlet Sims, R. M. Williamson.

Jurisdiction of Viesca: J. G. W. Pierson, J. S. Hood, S. F. Allen, A. G. Perry, J. W. Parker, Alexander Thomson.

DEPARTMENT OF NACOGDOCHES

Jurisdiction of Nacogdoches: Wm. Whitaker, Sam Houston, Daniel Parker, James W. Robinson, Nat. Robins, ——— Hoffman, T. J. Rusk.

Jurisdiction of San Augustine: A. Houston, Jacob Garrett, Wm. N. Sigler, A. E. C. Johnson, A. C. Kellog, Henry Augustin, Alexander Horton.

Jurisdiction of Bevil: John Bevil, S. H. Everett, Wyatt Hanks, J. H. Blount, Samuel Lewis, Thos. Holmes, John A. Veatch.

Jurisdiction of Liberty: J. B. Wood, Henry Millard, C. West, P. J. Menard, Hugh B. Johnson, D. G. Burnet.

DEPARTMENT OF BEXAR

None.

A quorum was present on November 3, and with R. R. Royall presiding the consultation organized by electing B. T. Archer president and R. B. Dexter secretary. Archer, on taking the chair, delivered an address outlining the problems before the assembly:

"GENTLEMEN: I return you my thanks for the honor you have conferred on me. The duties which devolve on the members of this body are arduous and highly important; in fact, the destinies of Texas are placed in our hands; and I hope that you are now assembled, in every way prepared to discharge those duties in a manner creditable to yourselves and beneficial to your country. I call upon each and all of you to divest yourselves of all party feelings, to discard every selfish motive, and look alone to the true interest of your country. In the words of the Hebrew prophet, I would say, 'Put off your shoes, for the ground upon which you stand is holy'. The rights and liberties of thousands of freemen are in your hands, and millions yet unborn may be affected by your decisions.

"The first measure that will be brought before the house, will be a declaration in which we will set forth to the world the causes which have impelled us to take up arms, and the objects for which we fight.

"Secondly. I will suggest for your consideration the propriety of establishing a provisional government, the election of a governor, lieutenant governor and council; and I would recommend that these officers be clothed with both legislative and executive powers. This measure I conceive absolutely necessary to prevent Texas from falling into the labyrinth of anarchy.

"Thirdly. The organization of the military requires your immediate attention. You have an army in the field whose achievements have already shed lustre upon our arms, they have not the provisions and comforts necessary to continue their services in the field; give them character or their victories, though they are achieved not without danger and glory, will, nevertheless, be unproductive of good, sustain and support them and they will do honor to you, and render incalculable services to their country; but neglect them, Texas is lost. The adoption of a code of military laws is indispensable; without discipline and order in the ranks, your armies will be mobs, more dangerous to themselves than to their adversaries, and liable at all times to be routed and cut to pieces by a handful of regulars. I know the men that are now in the field; there never were better materials for soldiers; but without discipline they can achieve nothing. Establish military laws, and, like the dragon's teeth sown by Cadmus, they will produce armed men. It will be necessary to procure funds in order to establish the contemp-

plated government, and to carry on the war in which we are now engaged; it will, therefore, be our duty to elect agents to procure those funds. I have too high an opinion of the plain practical sense of the members of this body to think for a moment that they will elect any but some of our most influential citizens to this important post. Without funds, however heroically your armies may fight, however wisely your councils may legislate, they will erect but a baseless fabric that will fall of its own weight.

"There are several warlike and powerful tribes of Indians that claim certain portions of our lands. Locations have been made within the limits they claim, which has created great dissatisfaction amongst them; some of the chiefs of those tribes are expected here in a few days; and I deem it expedient to make some equitable arrangement of the matter that will prove satisfactory to them.

"Permit me to call your attention to another subject. Some of our brethren of the United States of the north, hearing of our difficulties, have generously come to our aid, many more ere long will be with us; services such as they will render, should never be forgotten. It will be proper for this convention to secure to them the rights and privileges of citizens, to secure to them their land 'in head rights,' and place them on the same footing with those of our citizens who have not yet obtained from government their lands; and in all other respects to place them on an equal footing with our most favored citizens. Again, the path to promotion must be open, they must know that deeds of chivalry and heroism will meet their rewards, and that you will throw no obstruction in their pathway to fame.

"Some fraudulent sales or grants of land, by the late government of Coahuila and Texas, will require your attention. The establishment of mails, and an express department, is deemed necessary to promote the interest of the country; besides other minor matters that have escaped my observation in this cursory review.

"Finally. Gentlemen and friends, let me call your attention from these details to the high position which you now occupy; let me remind you that the eyes of the world are upon you; that battling as we are against the despotism of a military chieftain, all true republicans, all friends to the liberties of man, are anxious spectators of the conflict, or deeply interested in the cause. Let us give evidence that we are the true descendants of that band of heroes who sustained an eight years' war against tyranny and oppression and gave liberty to a new world. Let our achievements be such that our mother country, when she reads the bright page that records them, shall proudly and joyfully exclaim, these are my sons! their heroic deeds mark them as such.

"Again, gentlemen, let me admonish you that 'the ground on which you stand is holy', that your decisions will affect the rights and liberties of thousands of freemen, and destinies of millions yet unborn, and perhaps the cause of liberty itself. I do not view the cause in which we are engaged as that of freemen fighting alone against military despotism; I do not view it as Texas battling alone for her rights and her liberties I view it in a nobler, more exalted light, I view it as the great work of laying the corner stone of liberty in the great Mexican republic."

Following the President's address General Sam Houston introduced

and the assembly passed a resolution thanking Bowie, Fannin, and the troops under their command for their services in the recent battle of Concepción. Mr. Edward Hall of New Orleans presented a report from a committee in New Orleans which had collected funds and forwarded volunteers to aid the Texans. The consultation thanked him and the committee and approved of the disposition which had been made of the New Orleans recruits, who had marched to join Austin's forces at San Antonio. The important business of the first day's session was closed by the appointment, on motion of John A. Wharton, of a committee to set forth the causes why the Texans had taken up arms. This committee consisted of one member from each municipality or jurisdiction represented in the convention, and included the following: John A. Wharton, Columbia; William Menifee, Austin; R. R. Royall, Matagorda; Lorenzo de Zavala, Harrisburg; Asa Mitchell, Washington; W. S. Fisher, Gonzales; R. M. Williamson, Mina; Sam Houston, Nacogdoches; A. Houston, San Augustine; Wyatt Hanks, Bevil; Henry Millard, Liberty; S. T. Allen, Viesca.

The work of this committee occupied the consultation almost exclusively until November 7, when a declaration was adopted. The chief question at issue was whether the consultation should declare in favor of the Mexican constitution of 1824—thereby remaining a part of the republic of Mexico and inviting the assistance of the Liberals throughout the country who were opposing Santa Anna's centralization of the government—or issue an outright declaration of independence. Austin had anticipated the necessity for some such declaration and had written from camp on the Salado on October 25 his idea of what the declaration should contain:

"1st. A Declaration confirming the pronouncements made by the people at their municipal meetings to sustain the Federal Constitution of 1824, and the Federal System, which the army of Texas are now defending.

"2d. To declare Texas a State of the Mexican Federation, in consequence of the dissolution of the constitutional government of Coahuila and Texas, by Military intervention.

"3rd. Declare that a provisional Local Government be organized for the State of Texas, under the constitutional Decree of 7 May, 1824, and appoint a provisional governor and Lieutenant Governor.

"4th. Declare the existing laws and constitution of the State of Coahuila and Texas, to be provisionally in force, with such exceptions as may be deemed proper until a consultation is formed.

"5th. Pledge the faith of the State to raise funds and means, arms and men, to sustain the war in defense of the constitution and Federal System.

"6th. Secure the lands and interests of the Indians, and declare all fraudulent and illegal sales or grants of land made by the State Government of Coahuila and Texas since April, 1833, to be null and void.

"7th. Establish a provisional Express department.

"8th. Organize the militia, and appoint a commander in chief.

"9th. Raise 300 infantry and 150 cavalry and a corps of artillery as regular troops."

A comparison of this memorandum with President Archer's inaug-

ural address shows that it had great influence in shaping that address. It was now turned over to the committee, and Daniel Parker of Nacogdoches, D. C. Barrett of Mina, R. M. Williamson of Mina, and probably other members of the consultation presented drafts embodying their ideas of the form which the declaration should take. Wharton was in favor of a declaration of independence, but the committee could not agree and asked the house for instructions. General Houston moved a declaration in favor of the constitution of 1824, but after some debate withdrew his motion in deference to the wishes of Wharton. Finally it was decided by the decisive vote of thirty-three to fifteen to declare in favor of the constitution. As finally adopted on the 7th the declaration was as follows:

“DECLARATION OF THE PEOPLE OF TEXAS IN GENERAL CONVENTION ASSEMBLED

Whereas, General Antonio Lopez de Santa Anna, and other military chieftains, have, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican confederacy; now the good people of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE

1st. That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the republican principles of the federal constitution of Mexico, of eighteen and twenty-four.

2d. That Texas is no longer morally or civilly bound by the compact of union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican confederacy as will take up arms against military despotism.

3d. That they do not acknowledge that the present authorities of the nominal Mexican republic have the right to govern within the limits of Texas.

4th. That they will not cease to carry on war against the said authorities whilst their troops are within the limits of Texas.

5th. That they hold it to be their right during the disorganization of the federal system, and the reign of despotism, to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties, but that they will continue faithful to the Mexican government so long as that nation is governed by the constitution and laws that were formed for the government of the political association.

6th. That Texas is responsible for the expenses of her armies now in the field.

7th. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

8th. That she will reward, by donations in lands, all who volunteer their services in her present struggle, and receive them as citizens.

These declarations we solemnly avow to the world, and call God to

witness their truth and sincerity, and invoke defeat and disgrace upon our heads, should we prove guilty of duplicity."

On the 7th, after the passage of the declaration of causes for taking up arms,² Mr. Millard moved the appointment of a committee of twelve, one from each municipality represented in the convention, to present a plan for a provisional government. The motion was adopted and the president appointed Messrs. Millard, Jones, Wilson, Dyer, Hoxie, Lester, H. Smith, Arrington, Thompson, Robinson, Everett, and A. Houston. The committee attacked the problem by dividing itself into two sub-committees, one to report a plan of civil government and the other to consider the organization of the military department. During the next six days the consultation worked intermittently on the reports of these two sub-committees, and between whiles settled a number of other important matters.

On the 9th it was agreed that the volunteers with Austin who remained in the service until the fall of San Antonio, or until honorably discharged, should be entitled to twenty dollars a month, from the time that they left home until their return; and to "receive such other donations of land as this government shall vote them for their patriotism." It was voted also to remunerate them for "all losses of private property or money expended in the service of the country." On the same day Edward Hall was appointed agent for the purchase of cannon and munitions in New Orleans, and was instructed to call upon the committee of sympathizers in New Orleans for funds to pay for these supplies. The claims of the volunteers to the special consideration of the consultation were clearly recognized, and on November 13, the last working day of the assembly, a select committee made the following report concerning their status:

"Your committee, before closing their report, would respectfully call the attention of this house to the army now in the field. This force is composed of volunteers from every rank of citizens in the country, whose services generally commenced before the assembling of this house, and as their movements have hitherto been regulated by officers of their own choice, no obligation can be imposed upon them to submit to the control of the provisional government; advisory communications are all that can be made to them, nevertheless, your committee recommends that every honorable inducement should be held out for their continuance in their country's service, at any rate until a regular army be ready to take the field, and should Bexar so long hold out against their efforts. Already have this house passed resolutions for their individual compensation, when the resources of the country will permit. The land offices have been closed, that no advantage should be taken over the soldier in the field in making his selection of lands; the gratitude of this body, as the representatives of the people of all Texas, has been twice expressed and entered upon the journals of the house, and every effort used to afford supplies of ammunition

² This account of the passage of the declaration of November 7 is written by the editor. Johnson merely quotes the journal of the consultation. For a more detailed discussion see an article by the editor, "The Texan Declaration of Causes for Taking up Arms against Mexico," in *The Quarterly of the Texas Historical Association*, XV, 173-185.

and provision within the power of the late council, and of this body; these efforts we recommend to be continued, and that this house recommend the members of the army to elect such officers as are wanting, and that all officers report themselves to the governor and council for commissions; that their respective ranks be known of record for purposes obviously necessary for their future compensation, and that of the soldiers under them, who may receive discharges from their respective officers, that they may be fully known when a grateful country shall be able to express her thanks in bounties more substantial than mere words. Your committee recommend that the army be encouraged to persevere, with the assurance that every exertion will be used by the provisional government, to aid, comfort and support it which it has within its power, and will co-operate in forwarding its operations.

"Your committee would suggest, that much encouragement is afforded for perseverance in military operations, from the unsettled state of the Mexican government. The apprehension of resistance from the citizens of the republic is admitted in a late report of a committee of congress, contained in their plan of a form of government intended to be enforced upon the people by the exertion of military power, against their consent. This disposition will prevent the usurper, Santa Anna, from reinforcing the troops now arrayed against Texas; and gives hopes of a co-operation of our Mexican brethren in the glorious cause of liberty and the constitution, in which Texas has set the noble example."

On the 12th it was resolved that "three commissioners be appointed by this body, as agents to the United States of North America, to be commissioned by the governor and council; who shall delegate them such powers, and give them such instructions, as the governor and council may deem expedient." B. T. Archer, William H. Wharton, and Stephen F. Austin were elected for this service.

On the 13th it was "solemnly decreed" that the Cherokee Indians and their associate bands were justly entitled to the lands which they claimed, "lying north of the San Antonio road and the Neches, and west of the Angelina and Sabine rivers." It was made the duty of the provisional government to appoint commissioners to treat with these Indians for the establishment of definite boundaries; and all grants, surveys, and locations made within these boundaries since the settlement of the Indians therein were declared "utterly null and void." "We solemnly declare that they are entitled to our commiseration and protection, as the just owners of the soil, as an unfortunate race of people that we wish to hold as friends, and treat with justice."

Finally, on the 13th, the committee on enrollment, to which had been referred the plan for the provisional government and the plan for the military organization, reported the following instruments, which were adopted:

PLAN OF THE PROVISIONAL GOVERNMENT

Article I

That there shall be and there is hereby created, a provisional government for Texas; which shall consist of a governor, a lieutenant governor

and a council, to be elected from this body; one member from each municipality, by the majority of each separate delegation present, and the governor and lieutenant governor shall be elected by this body.

Article II

The lieutenant governor shall be president of the council, and perform the duties of governor in case of death, absence or from other inability of the governor, during which time a president "pro tem" shall be appointed, to perform the duties of the lieutenant governor in council.

Article III

The duties of the general council shall be to devise ways and means, to advise and assist the governor in the discharge of his functions; they shall pass no laws, except such as in their opinion the emergency of the country requires; ever keeping in view the army in the field, and the means necessary for its comfort and support, they shall pursue the most effective and energetic measures to rid the country of her enemies, and place her in the best possible state of defence. Two thirds of the members elect of the general council shall form a quorum to do business; and in order that no vacancy shall happen in the council, if any member, from death or casualty, shall be incapacitated to act, the governor shall immediately on information thereof, notify the member elected to fill vacancies, and on his default, any member who has been elected to this body from the same jurisdiction. The Governor and council shall be authorized to contract for loans, not to exceed one million of dollars, and to hypothecate the public land, and pledge the faith of the country for the security of payment. That they have the power to impose and regulate imposts and tonnage duties, and provide for their collection under such regulations as may be the most expedient.

They shall have power, and it is hereby made the duty of the governor and council, to treat with the several tribes of Indians concerning their land claims, and if possible to secure their friendship. They shall establish post offices and post roads, and regulate the rates of postage, and appoint a postmaster general, who shall have competent powers for conducting this department of the provisional government, under such rules and regulations as the governor and council may prescribe. They shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high courts of admiralty, agreeably to the law of nations.

Article IV

The governor, for the time being, and during the existence of the provisional government, shall be clothed with full and ample executive powers, and shall be commander-in-chief of the army and navy, and of all the military forces of Texas, by sea and by land; and he shall have full power, by himself, by and with the consent of the council, and by his proper commander, or other officers, from time to time, to train, instruct, exercise and govern the militia and navy, and for the special

defence and safety of the country, to assemble in martial array, and put in warlike attitude, the inhabitants thereof, and to lead and conduct them by his proper officers; and with them to encounter, repel, resist and pursue, by force of arms, as well by sea as by land, within or without the limits of Texas; and also destroy, if necessary, and conquer, by all proper ways, and enterprises, and means, whatever, all and every such person or persons as shall, at any time, in a hostile manner, attempt or enterprise the destruction of our liberty or the invasion, detriment or annoyance of the country; and by his proper officers use and exercise over the army and navy, and the militia in the actual service, the law martial, in times of war, invasion or rebellion, and to take and surprise, by all honorable ways and means consistent with the laws of nations, all and every such person or persons, with their ships, arms, ammunition and goods, as shall, in a hostile manner, invade, or attempt the invading or annoying our adopted country. And that the governor be clothed with all these and all other powers which may be thought necessary by the permanent council, calculated to aid and protect the country from her enemies.

Article V

There shall be constituted a provisional judiciary in each jurisdiction represented, or which may hereafter be represented in this house, to consist of two judges, a first and second, the latter only to act in the absence or inability of the first, and be nominated by the council, and conditioned by the governor.

Article VI

Every judge so nominated and commissioned, shall have jurisdiction over all crimes and misdemeanors recognized and known to the common law of England; he shall have power to grant writ of "habeas corpus" in all cases known and practiced to, and under the same law; he shall have power to grant writs of sequestration, attachments or arrests, in all cases established by the "civil code" and "code of practice" of the state of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases, and shall also be made a court of record for conveyances, which may be made in English, and not on stamped paper, and that stamped paper be, in all cases dispensed with; and shall be the "notary public" of their respective municipalities. All office fees shall be regulated by the governor and council; all other civil proceedings at law shall be suspended until the governor and general council shall otherwise direct; each municipality shall continue to elect a sheriff, alcalde and other officers of ayuntamientos.

Article VII

All trials shall be by jury; and, in criminal cases, the proceedings shall be regulated and conducted upon the principles of the common law of England, and the penalties prescribed by said laws, in case of conviction, shall be inflicted, unless the offender should be pardoned, or fine remitted; for which purpose a reasonable time shall be allowed to every convict, to make his application to the governor and the council.

Article VIII

The officers of the provisional government, except such as are elected by this house, or the people, shall be appointed by the general council, and all officers shall be commissioned by the governor.

Article IX

All commissions to officers shall be in the name of the people "free and sovereign," and signed by the governor and secretary; and all pardons and remissions of fines granted, shall be signed in the same manner.

Article X

Every officer and member of the provisional government, before entering upon the duties of his office, shall take and subscribe the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will support the republican principles of the constitution of Mexico of 1824, and obey the declarations and ordinances of 'the constitution of the chosen delegates of all Texas in general convention assembled,' and the ordinances and decrees of the provisional government; and faithfully perform and execute the duties of my office agreeably to law, to the best of my abilities, so help me God."

Article XI

On charges and specifications being made against any officer of the provisional government for malfeasance or misconduct in office, and presented to the governor and council, a fair and impartial trial shall be granted, to be conducted before the general council; and if, in the opinion of two-thirds of the members, cause sufficient be shown, he shall be dismissed from office by the governor.

Article XII

The governor and council shall organize and enter upon their duties immediately after the adjournment of this house, and hold their sessions at such times and places as in their opinion will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

Article XIII

The general council shall appoint a treasurer, whose duties shall be clearly defined by them, and who shall give approved security for his faithful performance.

Article XIV

That all land commissioners, empresarios, surveyors, or persons in anywise concerned in the location of lands, be ordered forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the land office can be properly systematized by the proper authority, which may hereafter be established; that fit and suitable persons be appointed to

take charge of all the archives belonging to the different land offices, and deposit the same in safe places, secure from the ravages of fire, or the devastation of enemies; and that the persons so appointed be fully authorized to carry the same into effect, and be required to take and sign triplicate schedules of all the books, papers, and documents found in the several land offices, one of which shall be given to the governor and council, one left in the hands of the land officer of the land office, the other to be retained by the said person; and they are enjoined to hold the said papers and documents in safe custody, subject only to the order of the provisional government, or such competent authority as may be hereafter created; and the said persons shall be three from each department, as commissioners, to be forthwith appointed by this house to carry this resolution into full effect, and report thereof to the government and council (and that the said political chiefs immediately cease their functions). The different archives of the different primary judges, alcaldes, and other municipal officers of the various jurisdictions shall be handed over to their successors in office, immediately after their election or appointment; and the archives of the several political chiefs of the departments of Nacogdoches, Brazos, and Bexar, shall be transmitted forthwith to the governor and council for their disposition.

Article XV

All persons now in Texas, and performing the duties of citizens, who have not acquired their quantum of land, shall be entitled to the benefit of the laws on colonization, under which they emigrated; and all persons who may emigrate to Texas during her conflict for constitutional liberty, and perform the duties of citizens, shall also receive the benefits of the law under which they emigrated.

Article XVI

The governor and council shall continue to exist as a provisional government, until the re-assembling of this consultation, or until other delegates are elected by the people, and another government established.

Article XVII

This convention when it may think proper to adjourn, shall stand adjourned to meet at the town of Washington, on the first day of March next, unless sooner called by the executive and council.

Article XVIII

All grants, sales, and conveyances of land, illegally and fraudulently made by the legislature of the state of Coahuila and Texas, located or to be located within the limits of Texas, are hereby solemnly declared null, void, and of no effect.

Article XIX

All persons who leave the country in its present crisis, with a view to avoid a participation in its present struggle, without permission from

the alcalde or judge of their municipality, shall forfeit all or any lands they may hold or may have a claim to, for the benefit of this government; provided, nevertheless, that widows and minors are not included in this provision.

Article XX

All monies now due, or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the governor and general council, and the receipt of the treasurer shall be a sufficient voucher for any and all persons who may pay monies into the treasury; and the governor and council shall have power to adopt a system of revenue to meet the exigencies of the state.

Article XXI

Ample power and authority shall be delegated, and are hereby given and delegated to the governor and general council of the provisional government of all Texas, to carry into full effect the provisions and resolutions adopted by the consultation of the chosen delegates of all Texas, in general convention assembled, for the creation, establishment, and regulation of the said provisional government.

OF THE MILITARY

Article 1. There shall be a regular army created for the protection of Texas during the present war.

Art. 2. The regular army of Texas shall consist of one major general, who shall be commander in chief of all the forces called into public service during the war.

Art. 3. The commander-in-chief of the regular army of Texas shall be appointed by the convention and commissioned by the governor.

Art. 4. He shall be subject to the orders of the governor and council.

Art. 5. His staff shall consist of one adjutant general, one inspector general, one quartermaster general, one paymaster general, one surgeon general, and four aides-de-camp, with their respective ranks as in the United States army, in time of war, to be appointed by the governor.

Art. 6. The regular army of Texas shall consist of men enlisted for two years, and volunteers for and during the continuance of the war.

Art. 7. The regular army of Texas, while in the service, shall be governed by the rules, regulations, and discipline in all respects applicable to the regular army of the United States of America, in time of war, so far as is applicable to our condition and circumstances.

Art. 8. The regular army of Texas shall consist of eleven hundred and twenty men, rank and file.

Art. 9. There shall be a corps of rangers under the command of a major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battalion under the commander-in-chief, when in the field.

Art. 10. The militia of Texas shall be organized as follows: all

able bodied men, over sixteen and under fifty years of age, shall be subject to militia duty.

Art. 11. Every inhabitant of Texas coming within purview of the preceding article shall, on the third Monday of December next, or as soon thereafter as practicable, assemble at each precinct of their municipality, and proceed to elect one captain, one first lieutenant, and one second lieutenant, to every fifty-six men.

Art. 12. When said election shall have taken place, the judges shall certify to the governor forthwith, the names of the respective officers elected, who shall as soon as practicable make out and sign, and transmit commissions for the same; that if there shall be found to exist in any municipality, more than three companies, the captain or commandants, on giving due notice thereof, shall call together the subalterns of said companies and proceed to elect one major; if of four companies, one lieutenant colonel; if of five or more companies, one colonel for the command of said companies, which shall constitute a regiment of said municipality; that if there shall be found to exist more than one regiment in said municipality, the whole number of field and company officers shall, on due notice, proceed to elect a brigadier general out of their number, who shall command the whole militia in the said municipality.

BRANCH TURNER ARCHER,
President.

Officers had already been elected by the consultation from its own members on the 12th. For governor, Henry Smith was elected over Austin by a vote of thirty-one to twenty-two, James W. Robinson was elected lieutenant-governor, and members of the general council were chosen as follows: A Houston, San Augustine; William Meniffee, Austin; Daniel Parker, Nacogdoches; Jesse Grimes, Washington; A. G. Perry, Viesca; D. C. Barrett, Mina; Henry Millard, Liberty; Martin Parmer, Teneha; J. D. Clements, Gonzales; R. R. Royall, Matagorda; W. P. Harris, Harrisburg; E. Waller, Columbia; Wyatt Hanks, Bevil. The governor's salary was fixed at fifteen hundred dollars, the lieutenant-governor's at twelve hundred and fifty dollars, and the per diem of members of the council was placed at three dollars, with an allowance of three dollars for each twenty-five miles traveled to and from the council.

On the 14th the consultation adjourned "to meet on the first day of March next, unless sooner called by the governor and council," and all members who could do so were urged to repair to San Antonio "to assist our fellow-citizens in the field."

CHAPTER XVII

THE PROVISIONAL GOVERNMENT

A provisional government having been established by the general consultation, and prepared to enter upon the duties conferred upon it; we offer, as appropriate the message of Governor Smith to the General Council:

“EXECUTIVE DEPARTMENT OF TEXAS.

“To his Excellency the President, and Members of the Legislative Council of all Texas:

“GENTLEMEN: Called upon to discharge the duties of the supreme Executive of the free and sovereign state of Texas, I commence the task not without mistrust of my abilities, but, relying chiefly upon your support, and the indulgence of an intelligent and well disposed people, I am inspired with confidence and cheered by the hope that our united efforts to promote the public good will not prove unavailing.

“I trust that there is not one of your body insensible to the many dangers that threaten, surround and overhang our adopted country; that there is not one who does not feel the importance of the great trust confided, and who is not aware of the heavy responsibilities which necessarily devolve upon us. In the outset, in the very beginning, ere one error is committed, or an act performed, I call upon you to summon to your assistance moral courage; to throw around you the impenetrable shield of honesty; to march onward in the pathway of duty, and undauntedly to meet the dangers and obstacles which chance or design may throw in your way. If we cower or sink beneath the task, shame and disgrace await us, and ruin irretrievable to our adopted country. Contemplate the task before you, the dangers to be encountered, and the obstacles to be removed or surmounted, and decline the task, or make a beginning with a fixed determination, faithfully and fearlessly to perform your duties.

“I thus take the liberty to admonish you, because no common duties devolve upon you.

“You have to call system from chaos; to start the wheels of government, clogged and impeded as they are by conflicting interests, and by discordant materials. Without funds, without the munitions of war; with an army in the field contending against a powerful foe. These are the auspices under which we are forced to make a beginning.

“2. Our country is now involved in war. Our foe is far superior to us in numbers and resources. Yet when I consider the stern materials of which our army is composed, the gallant and heroic men that are now in the field, I regard not the disparity of numbers, but am satisfied that we could push our conquests even to the walls of

Mexico. I earnestly recommend that you adopt the most prompt and energetic measures in behalf of the army; that you forthwith provide all the necessary munitions of war, so that the army may not be cramped or impeded by remissness on the part of the Government. And that you be careful to select agents of known skill and science to purchase artillery and other munitions.

"3. Another important matter will require your immediate attention. Our seaports and frontier towns are unprotected, and exposed to the mercy of the enemy. The policy of having them well fortified must be obvious to all. I therefore recommend the organization of a Civil and Topographical Engineer Corps, and the commencement of the work of fortification and defense without delay.

"4. I recommend the granting of Letters of Marque and Reprisal; by doing which we cannot only prevent invasion by sea, but we can blockade all the ports of Mexico, and destroy her commerce, and annoy and harass the enemy more in a few months, than by many years' war, carried on within our own limits. My own mind is satisfied that the whole of our maritime operations can be carried out by foreign capital and foreign enterprise. Already applications for commissions have been made; they are willing to take the hazard, as such afford them every encouragement.

"5. Provisions have already been made for the organization of a corps of Rangers, and I conceive it highly important that you should place a bold, energetic and enterprising commander at their head. This corps well managed, will prove a safeguard to our hitherto unprotected frontier inhabitants, and prevent the depredations of those savage hordes that infest our borders. I conceive this very important at this moment, as it is known that the Mexican authorities have endeavored to engage them in a war with us.

"6. Volunteers from foreign countries are daily reaching our shores and enlisting in our cause. These gallant and chivalrous men are actuated alone by the noblest motives; no sordid or mercenary considerations have induced them to leave their homes and share our fate. Let us then act with becoming generosity, and unasked give valor its reward. I recommend this not only that the world may know what are the inducements which Texas holds forth to the brave and enterprising; but in order that it may be now settled and not hereafter become the cause of dissatisfaction.

"7. Some of our red brethren of the Cherokee, Shawnee and other of their associate bands, are located on certain lands within our limits, to which it is generally understood that they have a just and equitable title. They have lately been interrupted in their title by surveys and locations within the limits which they claim, which has created among them great dissatisfaction. I therefore recommend that you second the measures of the late Convention in this matter, and never desist until the objects contemplated by that body be carried into effect.

"8. I recommend the employing of agents for foreign countries; that they be clothed with special powers, and that they be sent to different points, with a view of procuring for Texas all the aid and assistance that a generous and sympathizing world will bestow.

"9. I would also recommend the establishment of a Tariff, and the

appointment of Revenue Officers to collect import and tonnage duties; also a collector for the purpose of collecting all sums due the government on lands or other sources.

"10. I would now call your attention to the Post Office Department, and would recommend the appointment of a Postmaster General—the appointment made by the previous Council I highly approve, and trust under your care that this department will flourish and extend its benefits to every section of our country. I further recommend an express department to continue during the war.

"11. No time should be lost in the organization of the militia, nor in the local civil organization of the different jurisdictions of Texas, in conformity with the plan of the provisional organization of the government.

"12. You will find it necessary to appoint a Treasurer and perhaps other officers which you may hereafter find requisite.

"13. It will also become your duty to select some place as the seat of government, at which to hold your regular sittings during the continuance of the present form of government. In doing this you will throw aside all local partialities and prejudices, and fix on that point possessing most advantages, and the best calculated to forward our views by giving promptness and energy to our united actions. I therefore deem it unnecessary to make further suggestions on that subject, and will only add, that a Council-Hall, together with other offices for the different departments of government, is indispensable.

"14. I have now, gentlemen, touched upon all the matters of importance that have presented themselves to me,—doubtless many have escaped my observation which you will detect. I will, from time to time, present such other matters for your consideration as may occur to me. Again permit me to remind you of the necessity of acting with energy, boldness, and promptitude,—that the welfare of thousands depends upon your actions. Your country possesses immense resources if properly developed; it is for you to quicken and enliven the energies of the body politic, and make Texas the Eden of America.

"I conclude, gentlemen, by expressing the hope that the Supreme Ruler of Nations will smile upon your councils, and that, by our united efforts, we will be enabled to place Texas in a situation to become what the God of Nature designed her to be, a land of Liberty and of Laws—of agriculture and of commerce,—the pride and support of our lives, and a legacy of price unspeakable to posterity."

Following the reading of this message, the general council organized for work by the appointment of standing committees on "Affairs of the Army," "Affairs of the Navy," "Fiscal Affairs," "Affairs of State," and "Land and Indian Affairs." During its session the council passed eighty-nine resolutions and ordinances. Most of them were concerned with military and naval affairs and with financial matters—the creation of regular and volunteer forces, equipping, provisioning, and paying them, and the raising and proper management of revenue.¹

¹ This paragraph and the account of the provisional government's military and financial labors to follow are the work of the editor, adapted mainly from articles by

The military plan adopted by the consultation contemplated two things—the creation of a regular army and the organization of the militia.

The army was to consist of eleven hundred and twenty men, rank and file, part regulars, enlisted for two years, and part volunteers, enlisted for, and during the continuance of, the war—"permanent volunteers," they were called. To this was added a corps of one hundred and fifty rangers, commanded by a major, and subject to the commander-in-chief when in the field. The soldiers were to be governed, so far as local conditions and circumstances would permit, by the regulations and discipline of the regular army of the United States. And the force might be decreased or augmented at the discretion of the governor and council. The commander-in-chief, appointed by the consultation and commissioned by the governor, and "subject to the orders of the governor and council," had the rank of major general and was to be "commander-in-chief of all the forces called into public service during the war." He was allowed to choose his own staff of one adjutant general, one inspector general, one quartermaster general, a surgeon general, and four aides-de-camp.

For militia duty all the able-bodied men between the ages of sixteen and fifty were declared qualified, and they were ordered to embody themselves, on or immediately after the third Monday in December, in companies of fifty-six men, and elect officers—a captain and a first and second lieutenant. The municipality was to be the basis of organization, and in case there should be as many as three companies in a single municipality, the officers were to elect a major to command the entire force; if there were four companies, they were entitled to a lieutenant-colonel; if five, to a colonel, and if more than five, to a brigadier general. Five companies formed a regiment of militia.

General Sam Houston had been elected commander-in-chief of the department of Nacogdoches early in October, and on November 12 he was chosen by the consultation to command the regular army.²

him on "The Texan Revolutionary Army," in *The Quarterly* of the Texas State Historical Association, IX, 227-261, and on "The Finances of the Texas Revolution," in *Political Science Quarterly*, XIX, 612-635.

² "COMMITTEE ROOM, SAN AUGUSTINE, October 6, 1835.

"Whereas, in the present emergency, organization and energy of action are necessary, and whereas we see the great necessity of a commander-in-chief of this department, for the purpose of issuing orders, raising troops, etc., and being well satisfied of the fitness, capacity, and fidelity of General Samuel Houston, for such a station: be it therefore,

"Resolved, that we, with the concurrence of the Committee of Safety for the municipality of Nacogdoches, do hereby appoint the said Samuel Houston general and commander-in-chief of the forces of this department, vesting him with full powers to raise troops, organize the forces and, do all other things appertaining to such office. And be it further

"Resolved, that the powers of the said commander continue in force till the general consultation of Texas shall make further provisions. And be it further

"Resolved, that said Houston be required to issue proclamations, and call for recruits, and to do all things in his power to sustain the principles of the constitution of 1824.

"PHILIP SUBLETT, *Chairman*.

"A. G. KELLOGG, *Secretary*."

In his first message to the council, on November 16, as we have seen, Governor Smith, among other recommendations, urged haste in the organization of the militia. The council referred the subject to the military committee, and the ideas of the committee were embodied in an ordinance that was passed November 25. It provided that the council should appoint in each municipality three commissioners to divide the district into militia precincts, which were to conform as nearly as possible with those already existing, and to choose election judges for each precinct. Officers were to be elected and companies formed as required by the plan of the consultation. Muster days were fixed for company, battalion, regimental, and brigade drill on the first Saturday in April, May, September, and October, respectively. Commissioners for sixteen municipalities were elected November 26, those for Matagorda were appointed the next day, and others for San Patricio and Sabine later. The governor was commander-in-chief of the militia, and was allowed a staff of four aides with the rank of colonel. To what extent the organization of the militia was effected is uncertain. Probably very little was done, for about the time that the elections were to take place news spread that the volunteers had begun the storming of Bexar and needed reinforcements. Many prepared to hasten to their assistance, some of the commissioners among them, and thus the organization was delayed.

The military committee on November 21 presented a detailed report

“DEPARTMENT ORDERS.

“HEAD QUARTERS, TEXAS-DEPARTMENT OF NACOGDOCHES, Oct. 8, 1835.

“The time has arrived when the revolutions in the interior of Mexico have resulted in the creation of a dictator, and Texas is compelled to assume an attitude defensive of her rights, and the lives and property of her citizens.

“Our oaths and pledges to the constitution have been preserved inviolate. Our hopes of promised benefits have been deferred. Our constitutions have been declared at an end, while all that is sacred is menaced by arbitrary power! The priesthood and the army are to mete out the measure of our wretchedness. War is our only alternative! *War, in defence of our rights must be our motto!*

“Volunteers are invited to our standard. Liberal bounties of land will be given to all who will join our ranks with a good rifle and one hundred rounds of ammunition. The troops of the department will forthwith organize, under the direction of the committee of Vigilance and Safety, with companies of fifty men each, who will elect their officers, and when organized they will report to the head-quarters of the army, unless special orders are given for their destination.

“The morning of glory is dawning upon us. The work of liberty has begun. Our actions are to become a part of the history of mankind. Patriotic millions will sympathize in our struggles, while nations will admire our achievements. We must be united—subordinate to the laws and authorities which we avow, and freedom will not withhold the seal of her approbation. Rally round the standard of the constitution, entrench your rights with noble resolution, and defend them with heroic manliness. Let your valor proclaim to the world that liberty is your birthright. We cannot be conquered by all the arts of anarchy and despotism combined. In heaven and valorous hearts we repose our confidence.

“Our only ambition is the attainment of national liberty—the freedom of religious opinion and just laws. To acquire these blessings, we solemnly pledge our persons, our property, and our lives.

“Union and courage can achieve everything, while reason combined with intelligence, can regulate all things necessary to human happiness.

“SAMUEL HOUSTON,

“General-in-Chief of Department.”

on the organization of the regular army. This force, which the consultation had limited to eleven hundred and twenty men, they proposed to divide into two regiments—one of artillery and one of infantry—of five hundred and sixty men each. Each regiment was divided into two battalions and each battalion into five companies of fifty-six men. The field officers of the infantry were to be a colonel, a lieutenant-colonel, and a major; those of the artillery, a colonel, two lieutenants-colonel, and two majors. Artillery companies were to have three lieutenants instead of two, the additional lieutenants being considered necessary on account of the varied and important work that would be required of the artillery. The council, with some amendments, adopted this report in the form of an ordinance on the 24th. Officers and privates were to be subject to the same discipline and to receive the same pay as in the regular army of the United States, and each private and non-commissioned officer was promised a bounty of six hundred and forty acres of land. Later, as an incentive to enlistment in the regular army, rather than with the volunteers, an additional bounty of one hundred and sixty acres of land and \$24 in money was offered the regulars; one-half of the money was to be paid when the recruit reported at headquarters, and the balance on the first quarterly pay-day thereafter.

On the same day that this ordinance was passed Governor Smith sent to the council a message, urging it to make "the necessary enactments calculated to authorize the commander-in-chief to issue his proclamation, in order that volunteers and other troops . . . may know to whom to report." Whatever the act may have been which the governor considered necessary, the council was in no hurry about passing it. On the 28th company officers were elected for the regiment of infantry, and on December 1 it was agreed to elect the artillery officers the following Monday. Before this was done, however, the governor transmitted to the council a letter from General Houston, complaining of that body's delay in helping him organize the regular forces. The military committee replied that, considering "the press of business and the distracted state of affairs," they had done as much as they could, and been as expeditious as possible, a good deal of their time being necessarily consumed in trying to provide for the volunteer army. They were of the opinion, moreover, that it would not be good policy to appoint all of the officers of the regular army at that time. If the war should be prolonged, Texas would be compelled, they said, to depend largely upon aid from abroad, and they thought that men of superior qualifications would hardly be attracted from the United States if every door to promotion were closed. In conclusion, they urged that the governor be requested to issue a proclamation fixing the headquarters of the army at Gonzales or some other point on the frontier.

The policy of holding open positions of rank to encourage expert volunteers from the United States was in complete agreement with the views of the consultation. In his inaugural address the chairman of that body had said, "Some of our brethren of the United States of the North . . . have generously come to our aid, many ere long will be with us. . . . The path to promotion must be open, they must know that deeds of chivalry and heroism will meet their rewards."

But the greatest influence was probably exerted on the committee by a letter from J. W. Fannin, Jr., which they had considered on December 4. Fannin was sure that many West Point graduates would come to Texas, if commands were reserved for them.

On December 7 and 8 the field officers for both infantry and artillery were elected, but in accordance with the recommendation of the committee, company officers for only one battalion of artillery were chosen. Before hearing of this action General Houston wrote again to the governor, insisting that a complete corps of officers must be elected at once, if any success were to be expected in enlisting the regular army. Upon receipt of this letter the council proceeded to the election of company officers for the remaining battalion of artillery (December 11). The commander-in-chief was then provided with a list of all his officers and a copy of all proceedings of the council that related to the army. The council, however, was not yet through with General Houston. Another letter to Governor Smith on December 17 called attention to the fact that no appropriation had been made to cover the expenses of the recruiting service. A few officers had been ordered on this service, he said, but he had done it solely on his own responsibility. This obstacle was removed by the council on the 21st, when an ordinance was passed, appropriating \$40,000 for recruiting purposes. Another ordinance (December 26), empowering all commissioned officers to administer the oath of enlistment completed the enactments for the organization of the regular army.

For the various regimental offices James W. Fannin, Jr., was elected colonel of artillery, James C. Neill and David B. Macomb lieutenants-colonel, and W. B. Travis and T. F. L. Parrott majors. In the infantry Philip A. Sublett was elected colonel, Henry Millard lieutenant-colonel, and William Oldham major. Travis declined his appointment in the artillery, on the ground that he believed he could be more useful in some other branch of the army, and F. W. Johnson was elected in his place. Sublett did not accept the colonelcy of infantry, and Edward Burleson fell heir to that place.

In the meantime, the council had early taken up the organization of the corps of rangers, which was to form a sort of adjunct to the regular army. The consultation had authorized the enlistment of three companies, aggregating one hundred and fifty men, but the ordinance proposed by the military committee, November 21, raised the number to one hundred and sixty-eight, in order that the companies might conform in size to those of the regular army. The rangers' term of service was fixed at one year and their pay at \$1.25 a day. They were to furnish their own rations, horses and equipment, and were required to be "always ready armed and supplied with one hundred rounds of powder and ball." R. M. Williamson was elected major and commandant of the rangers, subject to the orders of the commander-in-chief.

On December 4 the council referred to the military committee a letter from J. W. Fannin on the subject of the regular army. He was emphatically of the opinion that its size ought to be doubled. "If an army be at all requisite," he said, "it sh'd be *large enough to answer the [purpose] of its creation* . . . The case appears to me so plain that I can not doubt but you will see it in the same light. With

this conviction, I will proceed to the main subject—By virtue of your delegated powers and exigency of the case increase the 'Regular Army' to another Brigade of like numbers with the one already ordered." It was no doubt due to the influence of this letter that the military committee at the evening session of December 4 introduced an ordinance "to organize and establish an auxiliary volunteer corps to the army of Texas." By a suspension of the rules the act was passed the next day. Permanent volunteers, or those enlisted for the duration of the war, were to receive the same pay, rations, and clothing as were allowed by the United States in the war of 1812, and, in addition, at the expiration of service, or when honorably discharged, a bounty of six hundred and forty acres of land.¹ Those who enlisted for only three months were entitled to three hundred and twenty acres of land, but at the discretion of the governor and the commander-in-chief others could be accepted for even a shorter period, such as they thought consistent with the good of the service. These last, however, were to receive no bounty. The ordinance does not fix the number of this corps, but the day after its passage a resolution was adopted authorizing the commander-in-chief "to accept the services of at least five thousand auxiliary volunteers, in addition to the local volunteers."

Just as the auxiliary corps was in a great measure due to the influence of Fannin, so the creation of a cavalry force seems to have received its first impulse from Travis. On December 3 he wrote to Governor Smith, saying that a member of the council had asked him for his views on the organization of the army. He unhesitatingly approved the recommendations of Fannin on the subject of the regular army, he said, and, therefore, confined himself to a consideration of the volunteers. Among these he thought that provision should by all means be made for a battalion of cavalry, commanded by a lieutenant-colonel, "subject alone to the orders of the commander-in-chief for the time being." They ought to be armed with broadswords, pistols, and double-barrelled shotguns or yagers, and should be enlisted for twelve months—unless the war terminated sooner,—"*subject to regular discipline* and the rules and articles of war," for, he concluded, "a mob can do wonders in a sudden burst of patriotism or passion, but can not be depended on as soldiers for a campaign." This letter was passed to the military committee on the 4th, and on the 16th Mr. Hanks, the chairman, brought in a bill embodying Travis's recommendation. General Austin and General Houston both concurred, he said, in the belief that cavalry was necessary. The strength of the force was fixed at three hundred and eighty-four men, rank and file, divided into six companies, and Travis's suggestion as to arms was so modified that, while all of them had broadswords and pistols, one-half of them had in addition double-barrelled shotguns and the other

¹ It will be remembered that the regular army was composed of regulars and of volunteers enlisted for the duration of the war. A supplemental ordinance of December 14 increased the bounty of these to eight hundred acres of land and \$24 in money. So far as can be gathered from the records, the only differences between these "permanent volunteers" of the regular army and the volunteers of the auxiliary corps seem to have been that the former were entitled to this larger bounty and the latter were allowed to choose their own company officers.

half yagers. They were to receive the same pay as cavalry in the service of the United States and a bounty of six hundred and forty acres of land. It is somewhat interesting to note that this was the only force for which the council prescribed, or, indeed, even mentioned a uniform. It was to be "a suit of cadet grey cloth coats, [with] yellow bullet buttons, and pantaloons for winter, and two suits of gray cottonade roundabouts and pantaloons for summer, and fur caps, black cloth stocks and cowhide boots." Travis, who had declined a previous appointment in the artillery, was elected lieutenant colonel and commandant.

An "Army of Reserve for the protection of the Liberties of Texas" was the last of the auxiliary forces authorized by the council. It was to number eleven hundred and forty-five men, officers included, —three battalions of infantry, one of riflemen, one of cavalry and one of field artillery—and was to receive the same pay and bounty as the other auxiliaries. Judge T. J. Chambers was responsible for this act. The first of January, he offered to recruit a force in the United States and have it ready for service, if possible, by May 15, 1836. He agreed to loan \$10,000 of the funds necessary for the purpose, and to raise the balance on the credit of the government without harassing the council. Naturally the council accepted the proposal, and pledged the public faith to repay his loan and any other obligation incurred by the undertaking. Chambers, with the rank of general, was to command the men enlisted. This ordinance was passed January 7 and sent to the governor for approval, but was never returned by him to the council. Chambers, therefore, was never commissioned, and, strictly speaking, probably had no authority to carry out his plan. Nevertheless, he was not deterred from going to the United States and sending to Texas between May and December of 1836 nearly two thousand men and quantities of war materials, in which he spent some \$23,000 of personal funds and \$9,035 in Texas bonds.

While the Government was occupied in organizing the army on paper, recruiting officers were busy trying to secure enlistments. But the effort to enlist the regular army was a heart-breaking failure. Accurate figures can not be obtained, but the assertion may be ventured that at no time before the battle of San Jacinto did the regulars much exceed one hundred men. Houston issued his first proclamation inviting recruits on December 12.

"HEADQUARTERS, WASHINGTON, TEXAS, December 12, 1835.

"Citizens of Texas:

"Your situation is peculiarly calculated to call forth all your manly energies. Under the republican constitution of Mexico, you were invited to Texas, then a wilderness. You have reclaimed and rendered it a cultivated country. You solemnly swore to support the constitution and its laws. Your oaths are yet inviolate. In accordance therewith you have fought with the liberals against those who sought to overthrow the constitution in 1832, when the present usurper was the champion of liberal principles in Mexico. Your obedience has manifested your integrity. You have witnessed with pain the convulsions of the interior, and a succession of usurpations. You have experienced,

in silent grief, the expulsion of your members elect from the state Congress.

"You have realized the horrors of anarchy and the dictation of military rule. The promises made to you have not been fulfilled. Your memorials for the redress of grievances have been disregarded; and the agents you have sent to Mexico have been imprisoned for years, without enjoying the rights of trial agreeably to law. Your constitutional executive has been deposed by the bayonets of a mercenary soldiery, while your Congress has been dissolved by violence, and its members, either fled, or were arrested by the military force of the country. The federation has been dissolved, the constitution declared at an end, and centralism has been established. Amid all these trying vicissitudes, you remained loyal to the duty of citizens, with a hope that liberty would not perish in the republic of Mexico. But while you were fondly cherishing this hope, the dictator required the surrender of the arms of the civic militia, that he might be enabled to establish on the ruins of the constitution, a system of policy which would forever enslave the people of Mexico. Zacatecas, unwilling to yield her sovereignty to the demand which struck at the root of all liberty, refused to disarm her citizens of their private arms. Ill-fated state! Her power, as well as her wealth aroused the ambition of Santa Anna, and excited his cupidity. Her citizens became the first victims of his cruelty, while her wealth was sacrificed in payment for the butchery of her citizens. The success of the usurper determined him in exacting from the people of Texas submission to the central form of government; and, to enforce his plan of despotism, he despatched a military force to invade the colonies, and exact the arms of the inhabitants. The citizens refused the demand, and the invading force was increased. The question then was 'Shall we resist the oppression and live free, or violate our oaths, and bear a despot's stripes?' The citizens of Texas rallied to the defence of their rights. They have met four to one, and, by their chivalry and courage, have vanquished the enemy with a gallantry and spirit which is characteristic of the justice of our cause.

"The army of the people is now before Bexar, besieging the central army within its wall. Though called together at the moment, the citizens of Texas, unprovided as they were in the necessary munitions of war and supplies for an army, have maintained a siege for months. Always patient and untiring in their patriotism and zeal in the cause of liberty, they have borne every vicissitude of season and every incident of the soldier, with a contempt of peril which reflects immortal honor on the members of the army of the people.

"Since our army has been in the field, a consultation of the people, by their representatives, has met, and established a provisional government. This course has grown out of the emergencies of the country; the army has claimed its peculiar care. We are without law, and without a constitutional head. The provincial executive and the general council of Texas are earnestly engaged in the discharge of their respective duties, preparing for every exigency of the country; and I am satisfied, from their zeal, ability, and patriotism, that Texas will have everything to hope from their exertions in behalf of the principles which we have avowed.

"A regular army has been created, and liberal encouragement has been given by the government. To all who will enlist for two years, or during the war, a bounty of twenty-four dollars and eight hundred acres of land will be given. Provision has also been made for raising an auxiliary volunteer corps, to constitute part of the army of Texas, which will be placed under the command, and subject to the orders of the commander-in-chief. The field for promotion will be open. The terms of service will be various. For those who tender their services for, or during the war, will be given a bounty of six hundred and forty acres of land; an equal bounty will be given to those who volunteer their services for two years; if for one year, a bounty of three hundred and twenty acres; and for those who may volunteer for a shorter period, no bounty of land will be given, but the same liberal pay, rations, &c., will be allowed them as other members of the army. The rights of citizenship are extended to all who will unite with us in defending the republican principles of the constitution of 1824.

"Citizens of Texas, your rights must be defended. The oppressors must be driven from our soil. Submission to the laws and union among ourselves will render us invincible; subordination and discipline in our army will guarantee to us victory and renown. Our invader has sworn to exterminate us, or sweep us from the soil of Texas. He is vigilant in his work of oppression, and has ordered to Texas ten thousand men to enforce the unhallowed purposes of his ambition. His letters to his subalterns in Texas have been intercepted, and his plans for our destruction are disclosed. Departing from the chivalric principles of civilized warfare, he has ordered arms to be distributed to a portion of our population, for the purposes of creating in the midst of us a servile war. The hopes of the usurper were inspired by a belief that the citizens of Texas were disunited and divided in opinion; that alone has been the cause of the present invasion of our rights. He shall realize the fallacy of his hopes, in the union of her citizens, and their *eternal resistance* to his plans against constitutional liberty. We will enjoy our birthright, or perish in its defence.

"The services of five thousand volunteers will be accepted. By the first of March next, we must meet the enemy with an army worthy of our cause, and which will reflect honor upon our freemen. Our habitations must be defended; the sanctity of our hearths and firesides must be preserved from pollution. Liberal Mexicans will unite with us. Our countrymen in the field have presented an example, worthy of imitation. Generous and brave hearts from a land of freedom have joined our standard before Bexar. They have, by their heroism and valor, called forth the admiration of their comrades in arms, and have reflected additional honor on the land of their birth. Let the brave rally to our standard.

"SAM HOUSTON, Commander-in-Chief of the Army."

This is a strong document, even for Houston's pen, but it was all but fruitless. By January 17 there were thirty-five regulars at Refugio, and some others, apparently, elsewhere, for Houston urges Governor Smith to "cause all the regulars now enlisted to be formed into companies, and marched to headquarters." By January 28 Travis had

enlisted twenty-six more and marched to the relief of Bexar. And on February 12 George W. Poe wrote that there were many at Columbia who would enlist if the officers were only prepared to "support them and clothe them." "Lieutenant Chaffin," he said, "has enlisted about 30 men who have no place to live at and he has no supply of arms, clothing &c for them." But as late as March 10 a special committee, appointed by the convention then in session at Washington, had to report that "Of the regular army, there appears to be sixty privates," and, though they did not then know it, thirty of these were dead with Travis in the ruins of the Alamo. The chairman, J. W. Bunton, acknowledged that his information was incomplete, and there may have been a few more, in fact, he had heard unofficially of a company of forty regulars under Captain Teal, but the number all told was pitifully small.

Enlistments for the auxiliary corps were more numerous. Companies from Tennessee and New Orleans and Mobile arrived early in the campaign of 1835, and, as time passed, volunteers came in constantly increasing numbers from the United States—chiefly from Louisiana, Mississippi, Alabama, Tennessee, Kentucky, and Ohio (Cincinnati). Most of these later arrivals and some of the earlier ones joined the auxiliary corps, though in general they hesitated to volunteer for a definite period, and were with difficulty enlisted for a term of only three months.

The fact is that the citizens of Texas often manifested a surprising degree of indifference toward the war, and this attitude was much more general than is ordinarily suspected. They did form the majority of the force that captured Bexar in December, but their lack of discipline—the simple expression of the frontiersman's individuality—was the despair of such officers as Austin, Travis, and Fannin. With the termination of the campaign they did not enlist either as regulars or auxiliaries, and did not again take the field in any numbers until immediately preceding the battle of San Jacinto. On December 17 Silas M. Parker wrote the president of the general council that he had with the greatest exertion been able to get together but thirty rangers, and could with difficulty get provisions for them. "I cannot," he said, "engage any beef or pork for them, tho there is plenty in the country. Such is the indifference of the people as to the cause of Texas." He had to go to the men who had beeves to spare, and value the beeves and kill them himself. Travis, in a letter to Governor Smith, January 28, complained of the same indifference, and gives some pertinent reasons for it. He said: "I have done everything in my power to get ready to march to the relief of Bexar, but owing to the difficulty of getting horses and provisions, and owing to desertions etc., I shall march today with only about thirty men, all regulars except four. . . . Our affairs are gloomy indeed—The people are cold and indifferent—They are worn down and exhausted with the war, and in consequence of dissensions between contending and rival chieftains they have lost all confidence in their own government and officers. You have no idea of the exhausted state of the country—Volunteers can no longer be had or relied on—A speedy organization, classification, and draft of the militia is all that can save us now. A regular army is

necessary—but money, and *money* only can raise and equip a regular army— . . . The patriotism of a few has done much; but that is becoming worn down—I have strained every nerve—I have used my personal credit and have neither slept day nor night since I received orders to march—and with all this exertion I have barely been able to get horses and equipments for the few men I have.” Again he writes from Bexar, when the enemy were already advancing against it, that he hopes the people of Texas will at last open their eyes to the danger and unite in a common cause. But he bitterly adds, “I fear that it is useless to waste arguments upon them—*The thunder of the enemy’s cannon and . . . The cries of their famished children and the smoke of their burning dwellings will only arouse them*—I regret that the government has so long neglected a draft of the militia which is the only measure that will ever again bring the citizens of Texas to the Frontier.” Almost at the same time Fannin was writing to Lieutenant Governor Robinson, “But when I tell you that among the rise of 400 men at and near this post, I doubt if twenty-five citizens of Texas can be mustered in the ranks—nay, I am informed that there is not half that number—Does not this fact bespeak an indifference and criminal apathy truly alarming? Finally, on April 8, when Santa Anna was at San Felipe, entering the heart of the most populous settlements, A. Roberts wrote to President Burnet, “I was astonished to find upon making a call upon the men who have stopped here [at Spring Creek] that in place of obeying promptly the general’s call, some of them began to prepare for going further who had previously decided on remaining here for some time . . . while others manifest a total indifference on the subject. . . . It is thought that there is at this time on this side of the Brazos in a moving position at least a thousand men liable to do militia duty.”

This, truly, is one side of the picture. The Texas Revolution was not a spontaneous outburst of patriotic indignation against Mexican oppression. Few of the colonists were satisfied with all features of Mexican rule; but few, also, were ready to go the length of armed rebellion. A small party of radicals forced the war. It came suddenly, and was soon over—lasting less than seven months. The pacific majority were dazed by its sudden development, and before some of them recovered it was past. For some of them, too, there were other enemies besides the Mexicans. Fear of the Indians they had always, and on the plantations of the Brazos there was added the threat of a slave uprising. With their families in danger, men heard only faintly the calls of the stricken country. But, when all is said, it really was the “old settlers” who did, almost unaided, all of the effective fighting of the Texas Revolution.

Though the regular army remained, so long as the general council was in session, a good deal of an abstraction, steps were not neglected to secure supplies for its use when needed. On November 27 an ordinance ordered the purchase of munitions, provisions, scientific and surgical instruments, books and stationery. Among the small arms enumerated were three hundred yagers, six hundred muskets, two hundred pairs of cavalry pistols, one thousand butcher knives, and one thousand tomahawks; among the provisions desired were three hundred

fifty barrels of flour, twenty thousand pounds of bacon, fifteen thousand pounds each of coffee and brown sugar, five thousand pounds of soap, and three thousand pounds of Kentucky chewing tobacco; the books included one hundred copies of Scott's "Infantry Drill," twenty-six copies of Crox's "Discipline and Regulations," and thirty-six copies of McComb's "School of the Soldier." A resolution of December 6 permitted the commander-in-chief to send two agents along with the commissioners to the United States to purchase these supplies, but whether he availed himself of the privilege does not appear. Doubtless many of the supplies were never bought, but the commissioners, Messrs. Austin, Archer, and William H. Wharton, appointed William Bryan, of New Orleans, general agent for Texas, and he from time to time shipped the stores that were most urgently needed.

The council decided, December 8, that the original order for three hundred and fifty barrels of flour was insufficient, and increased the number to seven hundred, while at the same time it requested the governor to have the commissioners to the United States employ one or more bakers for the army. On December 18 it created the office of commissary general and appointed to the place Thos. F. McKinney, probably the largest merchant in Texas. McKinney declined the office, but never spared either trouble or expense in his private capacity to procure all necessary supplies for the soldiers. Finally, thinking, perhaps, that private enterprise might be able to supply some necessities which the government could not, the council elected a sutler. He was governed by the regulations for the same office in the United States army, and had authority to appoint sub-sutlers whenever the commander-in-chief requested them.

Members of the consultation did not consider the "army of the people," the official designation of the volunteers at Bexar, as in any manner subject to them. Their attitude toward it was, in fact, very deferential. Resolutions were adopted, November 3, commending Austin, Fannin, and Bowie for their success in the battle of Concepción. On the 12th General Houston offered a resolution thanking the army on general principles for "perseverance, firmness, patriotism, and courage in defending the liberties of Texas." And again, on the 13th, Collinsworth's capture of Goliad was remembered, and in order perhaps to forestall possible jealousy a resolution of thanks was voted to him and his men. The military committee defined their relations with the army in these words: "This force is composed of volunteers from every rank of citizens in the country, whose services generally commenced before the assembling of this house, and as their movements have hitherto been regulated by officers of their own choice, no obligation can be imposed upon them to submit to the control of the provisional government; advisory communications are all that can be made to them."

With respect, therefore, to the people's army the consultation confined itself mainly to the effort to secure reinforcements. Districts that had not contributed their quota of men were urged to do so at once, and the temptation to shirk was removed by a resolution of November 11 to the effect that persons leaving the country to avoid participation

in the present struggle should forfeit all their land and property to the government.

To this task and the equally difficult one of supplying the men already in the field the general council fell heir. An ordinance of November 19 provided for the immediate purchase of quantities of food, clothing, tents, surgical supplies, soap, candles, and cooking utensils, and axes, spades, and shovels. Medicine had already been forwarded, it was said, in sufficient quantity for the present. John W. Moore was appointed "contractor" to carry this law into effect, with authority to pledge the public faith for the payment of such debts as he might incur. The same day a proclamation was issued, calling for more volunteers, and announcing that "all the supplies . . . suited to the necessities of this inclement season have been procured and are procuring through the people's agents appointed for that purpose." This statement was a trifle premature but the council was determined if possible to make good its promise; so Henry Millard was appointed on the 22d to obtain supplies for a company on the way to the army, and on the 27th an ordinance was rushed through, creating a commissary at San Felipe to look after volunteers passing there. John B. Johnson was chosen for this responsible position, and he began his duties at once by issuing eighty rations to a company from Mobile. At the same time an appropriation of \$1500 was made for the benefit of the army at Bexar, and a few days later (November 28) John Dunn also was appointed a commissary and ordered to buy for it at Matagorda or the nearest point possible a quantity of flour, bread, and beans. December 1st, having received news of the "grass fight," the council avowed itself deeply grateful to the men engaged in that "brilliant affair," and seized the occasion to assure them that no means would be omitted to aid, comfort, and assist them in their important investment of Bexar. Before the army received this gratifying assurance, however, Colonel Burleson had grown impatient and appointed William Pettus contractor for the volunteers. This appointment the council ratified on the 5th, but before Pettus had an opportunity to prove his efficiency Bexar had capitulated and most of the army dispersed.

The council had made little effort to reinforce the army, relying upon the work already done by the permanent council and the consultation and upon the general excitement aroused by the battle of Gonzales, the capture of Goliad, and the subsequent march on Bexar. A letter from Milam and Burleson, received on December 9, and announcing the beginning of the assault on Bexar and the need of ammunition and reinforcements, created, therefore, a prodigious stir. One committee was appointed to gather up and dispatch to the army all the powder and lead in town, another to employ expresses to scour the country for volunteers and additional ammunition, and still another to procure horses for these expresses. Most of the members being thus on special duty, the council adjourned. The next day an address was issued, explaining to the people the straits of the army, and pleading for reinforcements. J. W. Fannin and Thomas J. Rusk were appointed recruiting agents,—the one to operate east and the other west of the Trinity—to enlist volunteers for thirty days. In the meantime Dimit was increasing the strain by calling for reinforcements at Goliad. But

on the 15th came the news that Bexar had fallen, and the joy of the council was unconfined.

As to the pay of the volunteers, the consultation had decreed that such as remained in the service until the fall of Bexar, or until honorably discharged, should receive \$20 a month and such donations of land as the government should vote them. For some reason, however,—perhaps to create an incentive to enlistment in the regular army or the auxiliary corps—the council did not admit these volunteers to the benefit of the bounty laws. Only those,—so reads the ordinance,—“their heirs or legal representatives, who have been or may hereafter be killed in battle, or come to death by sickness or accident in going to or returning from the volunteer army,” shall be entitled to one mile square, or six hundred and forty acres of land.

On November 18 the committee on naval affairs reported on that portion of the governor's initial message which recommended the issuance of letters of marque and reprisal to privateers. Both the permanent council and the consultation had favored the policy of commissioning privateers, and the committee submitted an ordinance continuing the policy. This was passed on the 25th and approved by the governor on the 27th. It provided for the issuance of letters of marque by the governor and council to “men of known character, standing and skill as naval tacticians,” but no vessels of less than eighty tons burden should be licensed; they were to cruise in the Gulf and prey solely on vessels sailing under the flag and commission of the central government of Mexico; prizes were to be adjudicated in Texan ports; the government was to receive twenty per cent of the prize money; and commissions were limited to six months in duration. A supplement to this ordinance passed on the 30th reduced the government's share of the prize money to ten per cent, and provided that the privateers should sail under the Mexican flag, with “the figures 1, 8, 2, 4, cyphered in large Arabics on the white ground thereof.”

The committee closed its report with a strong recommendation for the establishment of a naval force: “Your committee would further most earnestly represent that the establishment of a small Naval force for the security of our extended coast and the protection of our own commerce would seem to them highly necessary and indispensable, and under that conviction would recommend the purchase, arming, and equipping two schooners of twelve, and two schooners of six guns each to cruise in, and about the bays and harbors of our coast. This arm of the service should be confided and entrusted only to men whose nautical skill and experience are well known and established, and whose activity and efficiency, would with greater certainty secure the objects of its creation and organization.”

In accordance with this report an ordinance passed on the 25th and approved the 27th “established a navy, to consist of two schooners of twelve guns each, and two schooners of six guns each.” They were to be purchased and equipped as soon as practicable and were to rendezvous at Galveston. Under this authorization four vessels were obtained during January and February, 1836,—the *Liberty*, *Invincible*, *Independence*, and *Brutus*—and during 1836 and 1837 they did valuable service in protecting the Texan coast.

The outbreak of the revolution found Texas without any system of revenue, and from the beginning the various governing bodies were at great difficulty to supply the needs of the volunteers in the field and to provide for the regular army which it was hoped could be created.

On October 20 the permanent council appointed a committee of five "to inquire into the state of the public funds and, if necessary, report a plan for replenishing them." The committee recommended that six "public agents" be appointed to coöperate with the committees of safety in each jurisdiction in the collection of dues on land and stamped paper. They were also to negotiate loans whenever possible, and pledge as security therefor the public faith. On the 22d Gail Borden's powers were strengthened as collector in the jurisdiction of San Felipe, and he was instructed to publish a notice that drafts drawn by captains of companies—presumably for supplies—and approved by the president of the council would be accepted in payment of public dues.

On the 27th a more ambitious effort was made to secure funds by the appointment of Thomas F. McKinney to negotiate a loan of \$100,000 in New Orleans. But from this undertaking he excused himself on the ground that such a commission would need to be supported by unquestionable authority, which he feared would not be conceded to the permanent council. Before this reply was received the council had merged into the consultation. It had expended the sum of \$374.30, had made provision for the efficient collection of the public dues, and supplies were on the way to the army. These consisted of "upwards of a hundred beeves, a considerable quantity of corn meal, and sugar, coffee, bacon, blankets, shoes and tent cloths."

The actual financial affairs of the consultation were scarcely more important than those of the permanent council. On the morning of November 6, five members were appointed to provide for the necessities of the army, with authority "to borrow money or originate other debts for that purpose," and in the afternoon they reported a loan of \$500 obtained from Thomas F. McKinney. Of this, \$238 had been expended in paying drafts already drawn on the government, \$20 was used in forwarding an express, and a balance of \$242 remained in their hands. The following day the consultation declared "that Texas is responsible for the expenses of her armies now in the field, that the public faith of Texas is pledged for the payment of any debts contracted by her agents," and "that she will reward by donations in land all who volunteer their services in her present struggle;" but for practical purposes this meant little more than the expression of a willing spirit to meet her obligations if she were able.

At the same time a windfall arrived in the shape of a contribution from New Orleans. Edward Hall brought the news on the 6th that a committee in that city had raised \$7,000 for the benefit of Texas. Half of it had been employed in equipping and transporting volunteers, but the balance, rapidly growing by other donations, was retained by the committee. Three days later we find the consultation appointing Hall agent for the purchase of war munitions and instructing him to draw on this committee for funds. Patriotic citizens also began to offer loans and securities in the hope that an hypothecation of individual property might prove more tempting to money lenders than a bare pledge of the

public faith. Stephen F. Austin tendered his "whole estate," to be mortgaged as the consultation saw fit; J. W. Fannin presented thirty-six slaves; and Ben Fort Smith offered eleven leagues of land for the same purpose. On the 13th the consultation gratefully accepted these proffers, but resolved to make use of them "only when imperiously demanded in the most extreme emergency."

The ordinance which created the provisional government made it the duty of the general council "to devise ways and means," and jointly with the governor to contract loans "not to exceed one million of dollars," hypothecating the public land and pledging the faith of the country therefor; "to impose and regulate imposts and tonnage duties, and provide for their collection under such regulations as may be the most expedient;" to appoint a treasurer and clearly define his duties; and finally, to dispose of all monies due or accruing on lands and all other public revenues. As if this were not sufficient latitude, the governor and council were given "power to adopt a system of revenue to meet the exigencies of the state."

In his first message to the general council Governor Smith recommended the appointment of a treasurer and other fiscal officers. The council agreed with him, and the committee of state and judiciary reported, on November 17,

that the immediate appointment of a treasurer to the provisional government, whose duty shall be clearly defined, is now devolving upon this body. Receipts and disbursements of public monies have been hitherto carried on without system, consequently without any other responsibilities to the public than that high sense of moral feeling which so eminently distinguishes the free sons of that country in revolutionary times from which our citizens have descended.

Accompanying this report, the committee submitted an ordinance creating a treasury department. It was passed the following day, but was vetoed by the governor because the salary of the treasurer was fixed at \$3,000 a year, an exorbitant one, he thought, with the finances of the state in the condition they then were. Upon further deliberation, the council unanimously sustained his objection, and on the 24th D. C. Barrett proposed a new ordinance, obviating it. By a suspension of the rules this was passed the same day, and the governor approved it on the 26th. Besides defining the treasurer's duties, the law directed that disbursements should be made only upon the order of the general council, "approved and signed by the Governor and attested by the Secretary of the Executive."

The election of a treasurer, Josiah H. Fletcher, completed the organization of the department, but the method of drawing drafts, though safe was cumbersome, and the council passed an ordinance (December 2) providing that an order from the chairman of the finance committee should be a sufficient voucher to the treasurer for disbursements. The chairman was required to report such orders to the house, in order that the amount might be entered upon the journal, but the governor, with some justice, pointed out that this was an inadequate safeguard, and vetoed the bill. The council, however, was determined and passed it over his objection.

But, perhaps in anticipation of this action, Henry Millard, chair-

man of the committee on finance, shrinking either from the responsibility or, more probably, the labor involved, secured the passage of a resolution for the appointment of a committee of public accounts. This was "to receive, audit, and register said accounts," and keep records showing the status of all claims, "whether passed, rejected, or under consideration," and report upon them twice a week to the general council.

A fortnight later Mr. Royall, who had been appointed chairman of this committee, sought escape by creating the office of auditor, and his bill, amended to provide for a comptroller also, was passed December 26. The law defining the duties of these officers is a rambling one of twenty-one sections; but in brief it was declared the duty of the auditor to pass upon the validity of all claims, keep the books of the government and, after observing the proper formalities, draw drafts on the treasury to cover audited accounts. After approval by him claims under \$4,000 had to be examined independently by the comptroller. In case of disagreement between the two, the auditor might appeal to the decision of the council if it were in session or, in its absence, to the governor. All claims for more than \$4,000 he must submit first to the council or governor, and, when passed by them, to the comptroller for his approval—in this case, perhaps merely formal. All drafts on the treasurer must be signed by the auditor and countersigned by the comptroller, and if the amount were greater than \$4,000, they must bear in addition the approval of the governor or council. But the council reserved the right to order "payments on claims not within the provision of this ordinance." Twice a week—on Wednesday and Saturday—to prevent fraud, auditor and comptroller must make to each other reciprocal reports of claims audited and drafts signed, and once a week both were required to report to the general council or the governor. The governor objected to the clause which gave the council power of exempting certain claims from the operation of the law, but the bill was passed unchanged over his veto (December 29).

The appointment of officers to collect, respectively, customs duties and dues on land completed the establishment of the fiscal administrative machinery.

But the provision of revenue was a matter of greater difficulty. The committee on finance estimated on paper an adequate income from sale of the public domain, taxes on land, a tax on slaves, an export duty on cotton, and tonnage and tariff duties; but the committee was constrained to admit that, although the picture which they presented might be "flattering and exhilarating in the highest degree to the patriot and statesman, . . . yet the urgent, pressing, and unavoidable exigencies and immediate necessities of our state . . . require a fund to which it can immediately recur." To secure this, it could think of no project "possessing in a higher degree all the essential requisites of speedy operation, and combining celerity and certainty in its accomplishment, than that suggested by a loan."

In the end this really did prove, though none too speedy in its operation, the country's chief means of securing ready money, but the council had no notion of trusting all its ventures to one bottom. To mention its more important experiments in chronological order: on December 5 a general law provided for the negotiation of a million-

dollar loan; a week later a system of tonnage and tariff duties was declared; on December 30 measures were taken for the efficient collection of land dues; and on January 20 an issue of treasury notes was authorized. To these sources of revenue must be added finally a number of donations.

Most of the donations came from the United States, and, though never very great, as an evidence of good-will they afforded encouragement to the Texans far out of proportion to their intrinsic importance. The contribution of the New Orleans committee during the session of the consultation has already been noticed, but at the same time similar committees were busy in Natchitoches and Mobile. November 15 the council acknowledged the receipt of a letter from D. H. Vail, of the former place, informing them that he had received "in different articles" about \$800 for the benefit of Texas, and at the same time news came that in Mobile \$2,000 had been raised. On November 30 General Houston presented a gift of \$100 from Mr. John Hutchins, of Natchez, Mississippi, and some two weeks later we find the council taking steps to change a thousand-dollar bank note which was a contribution from the United States. In the meantime, Austin, Archer, and Wharton had been dispatched to the United States for the purpose primarily of negotiating a loan, but with instructions among other things to receive donations, and late in February they reported a gift of \$500 from three citizens of Nashville. About the same time Samuel St. John, a rich cotton factor of Mobile, authorized the provisional government to draw on him for \$5,000. He had visited Texas, he explained, in the summer of 1832 and had ever since retained a lively interest in her welfare, because of her peculiar facilities for cotton growing. On March 7, to carry this subject a little further than the session of the general council, the convention passed a resolution of thanks to H. K. W. Hill of Nashville for a gift of \$5,000, and on May 20 the citizens of Port Gibson, Mississippi, made a cash donation of \$927. As late as June 27, a Dr. Williams presented a donation of \$650 from the United States. The commissioners in their progress through the country appointed numerous local and general agents to solicit volunteers and donations, and the funds collected were employed in equipping those who volunteered.

In Texas itself the wealth of the citizens, as of the state, consisted in land. One is not surprised to learn, therefore, that with two exceptions, they subscribed no cash. On November 1 Frost Thorn wrote to inform the consultation that the people of Nacogdoches had pledged in mass meeting the previous day twenty-eight horses and \$2,800, while a few days later San Augustine announced subscriptions of thirteen horses and \$400. The colonists turned naturally to a tariff as a revenue device. In his first message Governor Smith recommended the establishment of a tariff, and the finance committee estimated an annual income of \$125,000 from tonnage dues alone. No time was lost in introducing a bill. It was passed on November 8, and approved on the 12th, but how much revenue it yielded is unknown. In all likelihood it was very little. Thomas F. McKinney declared that all the merchants in the country had imported larger stocks than usual in anticipation of the law, and complained that he had been prevented from doing the same, because his partner, Samuel M. Williams, had

neglected his own business in the United States to purchase supplies for the government. The council thereupon, to remedy the injustice, passed an act exempting from duty all goods actually shipped but not received by this firm before the passage of the act. All promise of revenue from this law was permanently blighted on January 20, by making treasury notes acceptable for customs. Complaints soon began to come in, too, from the United States, and since Texas was so largely dependent upon the good-will of that country, it is likely that the enforcement of the law quietly ceased. Finally, the constituent convention decreed, March 12, 1836, that the provisional government had exceeded its authority in levying import duties, and ordered what had been collected to be repaid.

The collection of land dues next occupied the attention of the council. The colonization law of Coahuila and Texas provided that "new settlers shall pay to the state, as an acknowledgment for each *sitio* of grazing land, thirty dollars; for each *labor*, not irrigible, two and a half; and for each that is irrigible, three and a half; and so on proportionally, . . . but the payment thereof need not be completed under six years from settlement."

When hostilities began, J. H. Money, of the municipality of Austin, had in his possession from this source a balance of \$296.70, and most of this the consultation used. Considerable sums were also in the hands of the collectors at Nacogdoches, and a few days after its organization the general council appointed a committee to take charge of them. On November 27 Mr. Menard of this committee reported that he had secured from land dues \$1,678.77½, and from the sale of stamped paper \$250. An ordinance of December 30 authorized the appointment of "collectors of public dues" in each of the departments of Texas. But as a yielder of revenue the law was greatly impaired in efficiency by the provision that properly audited treasury orders should be receivable for such dues.

Gail Borden was elected collector for the department of Brazos, and two of his reports are at hand. An incomplete one as late as July 31, 1836, shows that he had received at that time but \$797.62½. No report can be found from the department of Nacogdoches, but there was much opposition in that quarter to the closing of the land offices by the consultation, and on this account it is probable that few of the citizens paid their dues.

Finally it was decided to issue treasury notes. The act was approved January 20, and provided that "the Treasurer shall immediately cause to be printed in a neat form and shall issue, in discharge of claims against the Government and drafts against the Treasury, the amount of one hundred and fifty thousand dollars in Treasury notes, . . . specifying on the face thereof, that they shall be received in payment for lands and other public dues, or redeemed with any monies in the Treasury not otherwise appropriated."

Of course, with no money in the treasury, and little prospect of getting any, these notes were practically worthless from the day of their issue.

But from the beginning it was felt that a loan from the United States must be the chief hope of the country for money, and on Novem-

ber 12, as we have seen, the consultation appointed Stephen F. Austin, William H. Wharton, and B. T. Archer commissioners to the United States, with such powers and instructions as the "governor and general council may deem expedient."

The council was strangely dilatory in preparing these instructions. A select committee appointed for that purpose reported, November 21, that upon considering the matter, they "are unable to find any acts of the Convention or of this Council, whereon to base instructions for said agents, or any data which can guide your committee in an opinion of their duties, but from all the information they can obtain, your committee have concluded that the agents should receive their instructions from the Executive; but in order to enable the Governor to give the necessary instructions, an ordinance should first be originated by the Committee of State, and passed and approved, defining in general the powers and duties of the agents. . . . But your committee can not advise that the Committee of State be instructed upon this subject with propriety, until the reports of the several committees on the Military, Navy, and Finance have been received and passed."

At the end of nearly two weeks the council had passed to its third reading an ordinance to create a loan of a million dollars, but there it halted until the governor took up the matter, in his message of December 4: "It must be acknowledged by all," he said, "that our only succor is expected from the East, where as yet we have not dispatched our agents. Sufficient time has elapsed since the rising of the Convention for them, by this time, to have arrived in the United States. They have called on me in vain day after day, time after time, for their dispatches, . . . and they are not yet ready. I say to you, the fate of Texas depends upon their immediate dispatch and success. . . . Permit me to beg of you a suspension of all other business, until our Foreign Agents are dispatched."

Thus bestirred, the council immediately passed the bill providing for a loan, and the next day passed an ordinance outlining the instructions which the governor should give the commissioners. Both bills were approved on December 5.

For the loan, the governor was required to make out ten bonds of \$100,000 each, payable in not less than five nor more than ten years; and with these the commissioners were "by all proper ways and means, by sale or pledge" to secure the loan, "or such part thereof as they can effect, upon the best terms the market affords, not exceeding ten per cent per annum." In case these bonds should not be accepted as sufficient security, the commissioners were instructed "to pledge or hypothecate the public lands of Texas, and to pledge the public faith"—everything, in fact, that Texas possessed. With this authority, the governor lost no time in issuing commissions to the agents, and their private instructions were ready for them on December 8.⁵ But more than two weeks elapsed again before they sailed for New Orleans.

⁵ Besides negotiating this loan, they were to make arrangements for fitting out a navy, procure supplies for the army, receive donations and, finally, proceed to Washington and find out the attitude of the government toward Texas. They were to learn whether any interposition might be expected from the United States, or whether "any ulterior move on our part would be more commendable and be calculated to render us

On January 10 the commissioners notified Governor Smith that they had arranged for two loans aggregating \$250,000. The fact that this could be done in New Orleans, where the Texas situation was so well known, they considered it particularly encouraging and of good augury for success in other parts of the United States. It will be seen from their terms that these so-called loans were really nothing more than contracts for the purchase of five hundred thousand acres of land at fifty cents an acre; but the commissioners thought themselves very fortunate to get money on any terms. "In fact, rather than have missed the loan," they wrote, "we had better have borrowed the money for five years and given them the land in the bargain." They were of the opinion, moreover, that the loan would increase the interest in Texas; the lenders, they said, had already offered to land in Texas within six weeks five hundred volunteers.

The first loan, of \$200,000, was subscribed by ten men, four of whom were from Cincinnati, three from Kentucky, two from Virginia, and one from New Orleans. Ten per cent of the amount was paid down; the balance was to be paid upon ratification of the contract by the convention, which had been called for March 1. The amount advanced was to bear eight per cent interest, and the lenders might, if they chose, take land in repayment for this and future instalments at the rate of fifty cents an acre. In case they elected to take land—and all of them intended to—the government was to survey and plot it in tracts of six hundred and forty acres each, and they must make their selection within two months after publication of a notice that the lands were ready. Article fifth provided that "no grant or sale of land shall be made by the government of Texas, from and after the date hereof, which shall not contain a full reservation of priority for the location to be made under this loan," but this was not to apply to vested rights already existing. Article sixth, a little more sweeping, declares that "none of the public lands are to be offered at public or private sale until after the locations hereinbefore provided for shall have been made." For the faithful performance of this contract, the commissioners pledged "the public lands and faith of the government of Texas," but even after its confirmation the lenders reserved the right of declining to pay the balance.

The second loan was for \$50,000, and seven of the twelve subscribers were residents of New Orleans, while three were from Virginia and two were from Kentucky. This loan was supposed to have been in cash, but Austin for some reason estimated that it would yield them net but \$40,000. Gouge, however, who wrote from documents, some of which are not now accessible, says in his *Fiscal History of Texas* that the amount actually received was \$45,802. The conditions of this loan were the same as those of the first, except that priority of location was reserved to subscribers to the first, and that the commissioners pledged their personal property for the ratification of this contract by the convention.

more worthy of their favour, or whether by any fair and honourable means Texas can become a member of that Republic." In short, they were to learn whether, if Texas should declare independence, the United States would immediately recognize it and form an offensive and defensive alliance.

To the lenders this was simply a gigantic land speculation. They bound themselves by mutual agreement not to sell to any outsiders for less than \$1.25 an acre, and began forthwith to "boom" Texas lands both by letter and in the public prints. The Texans were at first glad enough to get money on any terms, and such expressions as were made at the time favored prompt ratification of the contracts in order that the remaining instalments might become available. But before the convention met considerable opposition was being manifested to the provision which secured to the lenders prior rights of location. It was felt that this would make it very difficult for the government to find additional purchasers for its public lands, and after the establishment of the government *ad interim* President Burnet, with the approval of his cabinet, refused to ratify the contract. After a good deal of negotiation the contractors agreed to surrender their right to prior location in return for a bonus of thirty-two leagues of land, and on June 3, 1837, and May 24, 1838, congress appropriated lands at the rate of fifty cents an acre to settle their claims for the money advanced.

The work of the commissioners extended beyond the life of the provisional government, but it will be best to follow them here to the end of their mission.

Greatly encouraged by their success in New Orleans, they continued their activities in the United States. They were offered a loan of \$50,000 in Mobile on the same terms as the New Orleans loan, but for some reason nothing ever came of it. Elsewhere they were not so well received. Men hesitated to risk their money in Texas until a declaration of independence was made, and though the commissioners urged this step upon the government time after time, no attention was paid to them. Indeed, as late as April 24, nearly two months after the declaration was made, Austin complained that they had heard from the government not "one word." To make matters worse, there spread through the country rumors of the unchecked advance of the Mexicans and of the unfortunate quarrel between the governor and council, and it is not strange that the most strenuous efforts of the commissioners were in vain—although, as Wharton said, "we offer to the lenders to pledge all we have on earth, even to our wearing apparel."

On April 11 Austin made an ingenious proposition to President Biddle of the United States Bank for a loan of \$500,000. The proposal was to deposit in the United States Bank Texas bonds for \$500,000, bearing eight per cent interest for ten years, upon which the bank should issue stock certificates at \$100 each for the same amount. These stocks were to be offered to the public for a cash payment of \$25, with notes at sixty, ninety and a hundred and twenty days for the balance. The notes were to be discounted by the bank, and all the money thus obtained should be paid over to the commissioners. At the end of five years the state would begin the redemption of the bonds, and would take up one-fifth annually. Biddle sympathized with the Texans, but he could not accept Texan bonds as bankable security. On the 15th, Austin made a frantic appeal to President Jackson and Congress for a share of the \$37,000,000 surplus in the national treasury, but naturally nothing came of that:

"NEW YORK, April 15, 1836.

"To Andrew Jackson, Martin Van Buren, Richard M. Johnson, John Forsyth, Lewis Cass, T. H. Benton, and to any member of the Cabinet or Congress of all parties and all sections of the United States:

"Pardon me for this intrusion upon your valued time. I address you as individuals, as men, as Americans, as my countrymen. I obey an honest though excited impulse. We have recent dates from Mexico by the Packet. It appears that Santana has succeeded in uniting the whole of the Mexicans against Texas by making it a national war against heretics; that an additional army of 8,000 men is organizing in Mexico under Gen. Cortazar to march to Texas and exterminate the *heretic Americans*. Santana is now in Texas, as we all know, with about 7,000 men fighting under the bloody flag of a pirate—he is exciting the Comanches and other Indians, who know nothing of lines or political divisions of Territory, and massacres have been committed on Red River within the U. S. This is a war of barbarism against civilization, of despotism against liberty, of Mexicans against Americans. Oh my countrymen! the warm-hearted, chivalrous, impulsive West and South are up and moving in favor of Texas. The calculating and more prudent, though not less noble-minded, North are aroused. The sympathies of the whole American people in mass are with the Texans. This people look to you, the guardians of their rights and interests and principles. Will you, can you turn a deaf ear to the appeals of your fellow citizens in favor of their and your countrymen and friends who are massacred, butchered, outraged in Texas at your very doors? Are not we, the Texans, obeying the dictates of an education received here, from you, the American people, from our fathers, from the patriots of '76—the Republicans of 1836? Have not we been stimulated to obey the dictates of this noble education by the expression of opinions all over the United States and by all parties that we ought to resist and throw off the yoke of Mexican usurpation, and are we now to be abandoned or suffered to struggle alone and single-handed because the cold calculations of policy or of party have first to be consulted?

"Well, you reply, what can we do? In answer, I say, let the President and Cabinet and Congress come out openly and at once and proclaim to the public their opinions—let Texas have some of the \$37,000,000 now in the national treasury—let the war in Texas become a *national war, above board*, and thus respond to the noble feelings of the American people. Who can deny that it is a national war in reality—a war in which every free American who is not a fanatic, abolitionist, or cold-hearted recreant to the interests and honor and principles, country and countrymen, who is not an icicle in soul and in practice, is deeply, warmly, ardently interested. In short, it is *now* a national war *sub rosa*. This will not do; this state of the matter can not, ought not to continue. Make it *at once* and *above board* and boldly what it is in fact, a *national war* in defense of national rights, interests and principles and of Americans. Let the administration and Congress take this position at once and the butcheries in Texas will cease, humanity will no longer be outraged by a war of extermination against liberty and against Americans—peace will be restored and maintained on the Southwest frontier of this nation, and the Government of the U. S.

will then occupy that open and elevated stand which is due to the American people and worthy of Andrew Jackson—for it will occupy *above board* the position which this nation as a people now occupy in heart and in feeling and in wishes; a position which they are now defending in obedience to the noblest impulses of the heart by acts and with their blood, as warm hearts, noble spirits always do. Respectfully your native countryman and obt. servt.

"S. F. AUSTIN,
"Of Texas."

Two weeks after Austin's appeal to President Jackson arrangement was made for a loan of \$100,000 in New York on the same plan as the New Orleans loans. The lenders in this case had the option of taking land in repayment at twenty-five cents an acre, but since the expense of issuing stock certificates and surveying the land was to be borne by them, it is doubtful whether they enjoyed any advantage over the former lenders. Ten per cent of the loan seems to have been paid, but only \$7,000 can be accounted for. Austin deposited \$5,000 with William Bryan in New Orleans, June 12, and \$2,000 was paid to Wharton. The commissioners themselves admitted that they did not expect this loan to be ratified, "unless the prospects of Texas were gloomy even to desperation."

It is evident that the actual cash handled by the government during the war was not great. The treasurer reported on March 1, 1836, that he had received and expended since November 28, 1835, \$3,981.85. The amount was yielded principally by the revenues of Texas, but if any other sums ever came from the same source the fact is not revealed by the records. Donations, it seems certain, did not exceed \$25,000, and much of this was in kind; while the loans amounted, it was said, to \$100,000.

The total indebtedness of the government at the end of August, 1836, was estimated by the treasurer at \$1,250,000. Of this amount there was due for loans \$100,000, on account of the navy \$112,000, to the army \$412,000, for supplies \$450,000, and for civil and contingent expenses \$118,000. The remaining \$60,000 is not itemized. Some of these claims were paid in land, but the most of them were discharged with treasury notes, which subsequently were unmercifully scaled and redeemed. Such debts as remained unpaid at the time of annexation were paid from the ten million dollars which the state received from Congress in 1850.

Other subjects to which the general council devoted some attention were the enlistment of co-operation by the Mexican Liberals and conciliation of the Indians—chiefly of the Cherokees and their allies.

Undoubtedly one reason of the consultation for declaring on November 7, for the constitution 1824 was the hope of receiving assistance from the Mexican Liberals, and it was much encouraged a few days later by the news that General Mexia—he who had visited Texas in the interest of Santa Anna during the troubles of 1832—had organized a small force in New Orleans and was preparing to make a descent upon Tampico in the interest of the Liberals. On November 12 a committee of the consultation reported that the rumor

of unsettled conditions in Mexico "gives hopes of a co-operation of our Mexican brethren in the glorious cause of liberty and the constitution, in which Texas has set the noble example." This feeling can only have been increased by the arrival of Governor Viesca and Col. José Maria Gonzales, the latter bringing with him about twenty Mexican soldiers. He had formerly served in the Mexican army and had at one time commanded several companies of cavalry that were then defending Bexar. Austin and Fannin believed that he could induce these to desert in a body.

Gonzales came before the general council, November 30, and, after having explained to him the declaration of the 7th, offered his services and was accepted (December 3) as "a volunteer to defend the republican principles of the constitution of 1824, and the rights of Texas." He was ordered to retain command of the Mexicans under his charge and report himself to General Burleson at Bexar. An advance of \$500 was made him to defray necessary expenses of himself and men. He cannot have arrived at Bexar in time to have caused much dissatisfaction among its defenders, but the day after its fall we do find him issuing a proclamation to his old comrades in arms, urging them to help the Texans support the standard of federation.

In the meantime, General Mexia, returning from his disastrous expedition to Tampico, reached the mouth of the Brazos, December 3, and asked the government to inform him how he could best use the men under his command to the advantage of the federal cause. Almost simultaneously came Capt. Julian Miracle from Mier, saying that the Liberals of Tamaulipas and Nuevo Leon were ready to join the Texans, if they were fighting to sustain the federal system and not for independence. Canales, a lawyer of Mier, was already at Palo Blanco, he said, within two days' march of San Patricio, with two hundred men; and the Mexican garrison at Lipantitlan was ready to join Canales or Gonzales at any time. In reply to General Mexia the council first instructed William Pettus and Thos. F. McKinney to help him in any way necessary to enable him to proceed to the interior and carry the war into the enemy's country; but on the 10th it asked him to go to Bexar and reinforce the besieging army there. For the information of the Liberals whom Captain Miracle represented a committee was appointed to prepare an address to the Mexican people. Their report was adopted on the 11th, and Miracle, with five hundred copies printed in Spanish, was returned post haste to his friends:

"The General Council of the Provisional Government of Texas to the Mexican people:

"The people of Texas have taken up arms in defence of their rights and liberties, menaced by the attacks of military despotism, and to sustain the republican principles of the constitution of 1824. The Mexican nation ought to be fully informed on this subject, in order to correct the falsehoods circulated by the Centralists, who have attempted to calumniate the Texans by giving to the revolution here, a character very different from the true one, and painting it in the blackest colors.

"Texas has solemnly declared her principles in the declaration

of the seventh of November last, made by its representatives, and has called God to witness the sincerity and purity of her intention. The people of Texas could not have acted in any other manner, and every free man would have done the same who appreciates his own dignity and was able to resist slavery.

"Texas was left without any government, owing to the imprisonment and dispersion of the Executive and Legislative authorities of the state by the military Centralists, and everything was rapidly falling into anarchy and ruin. It certainly was not the fault of the Texans that this state of things existed. They were living in peace when the revolutionary flame reached their homes; their situation may be compared to that of a peaceful village that is suddenly assailed by a furious hurricane, which menaces ruin and death, from which the inhabitants seek safety by any means in their power, without being in any manner censurable for the impending danger, nor for trying to shield themselves from its effects. The truth is, that a storm which originated elsewhere, threatened to involve them in its desolating ravages. They wish to save themselves as they have a right to do, by the law of nature.

"Faithful to their oaths, they wish to defend the constitution, and for this their enemies have declared a war of extermination against them, and are trying to deceive the liberal Mexicans with false reports that their objects are different from those expressed in the before-mentioned declaration. God knows this to be a malicious calumny, circulated for the purpose of consolidating centralism, by trying to unite the Federalists in its ranks against their friends the Texans.

"Very dearly indeed have the Texans acquired their homes in this country, which but a short time since was a wilderness infested by hostile Indians. It is just and natural that they should wish to preserve them, in conformity with the guarantees of the Federal compact under which they were acquired. It is equally so, that they should obey the first law which God has stamped upon the heart of man civilized or savage, which is self-preservation.

"The Texans have therefore taken up arms in defence of their constitutional rights, in fulfillment of their duties to the Mexican confederation and of the most sacred obligation to themselves.

"They have organized a local Provisional Government, to provide for their security as a part of the Mexican confederation should it again be re-established. Can it be possible that the whole nation will declare war against us because we wish to comply with our obligation in favor of the constitution, and because we wish to defend the rights which God has given to man, and which the Mexican nation has solemnly guaranteed to us? No, it cannot be believed. The free Mexicans are not unjust, and they will take part in our favor.

"To arms, then, patriotic Mexicans. The Texans, although a young people, invite and call you to the contest which it is the duty of all to sustain against the perjured centralists, separate as we have done from the Central Government, and declare eternal war against it; let us sustain the federal compact, restore the federal system and firmly establish the liberties and happiness of our country. In this great work you will receive aid and assistance from the Texans, so far

as their limited resources will permit, as they have offered in the second article of their declaration."

But the government was not agreed on a policy toward the Mexicans. Governor Smith said that he had no faith in them. He vetoed on the 9th an ordinance for the relief of Mexia, and wrote the same day to Burleson, saying that the council had fitted out Gonzales without his knowledge or consent. "You will keep a strict eye on him," he admonished, "and if he should seem not to act in good faith I now order you to arrest him and his men, disarm them and hold them as prisoners of war subject to my order." The council, too, without just cause, it appears, lost confidence in Mexia. He did not go to Bexar, as requested, though most of his men—all of whom were Americans—did, and he sent with them a proclamation to the Mexicans of the garrison, some of whom he had once commanded, asking them to join the Texans. Mexia himself returned to New Orleans; Miracle is not again heard from, though reports arrived from time to time of the movements of his patron, Canales, on the Rio Grande; Gonzales, also, after the fall of San Antonio, drifted toward the Rio Grande frontier, and is several times mentioned as being at the head of two or three hundred Mexican troops south of San Patricio.

Thus the hope of Mexican co-operation, at best rather exotic, faded away. The convention issued the declaration of independence on March 2. And this, of course, quashed any sentiments of sympathy that the extremely small party of Liberals in Mexico may have felt.

On December 22, the council appointed General Houston, John Forbes, and John Cameron to treat with the Cherokees and on the 26th they were instructed to proceed to Nacogdoches at once and negotiate a treaty, pursuing in all things "a course of justice and equity towards the Indians." They were to conform in every respect to the resolutions adopted by the consultation on November 13. Houston was granted a furlough by the governor to carry out this mission, and he and his fellow commissioners signed a treaty with the Cherokees on February 8, 1836.

The most effective work of the provisional government has now been described. The further history of that body is concerned mainly with the unseemly quarrel which developed between the governor and the council, and this will be treated in a later chapter.

CHAPTER XVIII.

THE CAPTURE OF SAN ANTONIO.

We left the volunteers at San Antonio on October 31. Austin, with the main division of the army, was occupying a position above town at the Old Mill, and Bowie and Fannin, with a smaller force, were holding Mission Concepción. On that day, as we saw, Austin informed Bowie and Fannin that some of the Mexican soldiers wished to desert to the Texans and outlined a plan for creating a diversion to cover their movements. Fannin and Bowie accepted this plan, but suggested that the two divisions of the army should unite, if the deserters did not join them within five days. This communication reached Austin on November 1, and he replied as follows:

“HEAD-QUARTERS, November 1, 1835.

“*To Colonel James Bowie and Captain Fannin.*

“Your communication of this morning was received, and is satisfactory in every respect to myself and others.

“ I sent a demand today for a surrender. General Cos stated that his duty would not permit him to receive any official communication, and of course it was returned unopened. He in a short time after sent out Padre Garza, with a flag, to say to me verbally, that he had absolute orders from his government to fortify Bexar and hold it at all hazards, and that as a military man his honor and duty *required* obedience to the orders, and that he would defend the place until he died, if he had only ten men.”¹

The demonstration was made as agreed upon, but no deserters took advantage of it to leave the Mexican ranks. It did result, however, in another shift in the position of the Texan forces, Bowie and Fannin writing Austin at three o'clock in the afternoon of November 1 that the men had been so pleased with a position about eight hundred yards below town “that we determined to occupy it, and have in consequence brought up the baggage, etc. from Concepción, and have thrown a rough bridge across the river, and thus occupy both banks. We are *resolved* to hold it as long as our *members* can justify it, and it meets your approbation. We are exposed, and they must certainly know our *force*, and may attempt in all probability to dislodge us. Should we be uninterrupted tonight, we will endeavor to strengthen the post. Will you allow us to once more say that a more equal division of the forces [is desirable].

“JAMES BOWIE,

“J. W. FANNIN, JR.

¹ Several pages are here missing from Johnson's manuscript and the remainder of this letter cannot be found.—EDITOR.

"P. S. We have recd. no deserters nor any evidence to fortify the belief that any will be rec'd.

"Everything seems to wear the appearance of resistance—Should you not send to us tonight, be on the lookout early in the morning.

"J. W. FANNIN, JR.

"As we are here in a very exposed situation; much more than you are, we must earnestly request that you immediately send us reinforcement; the troops will not be satisfied without it."

On the next day (November 2) both divisions of the army held councils of war to decide whether to attempt to take the town by storm or by siege, and both decided in favor of a siege. The officers in the division under Bowie and Fannin advised a union of the two forces, and Austin's council resolved "that such positions should be taken for the army at present as would secure it from the cannon shot of the enemy and enable it at the same time to carry on the offensive operations, while we are waiting for the large 18 pound cannon and additional reinforcements." In consequence of the resolution the main force was now moved back to Concepción, but a detachment still remained at the Old Mill.

Little progress was made. On November 5, Captain Briscoe's company went out to scour the country toward the Rio Frio, and Travis accompanied it as a volunteer. Briscoe decided to return on the 8th, but Travis called for volunteers and continued to reconnoiter. On the 10th he captured a drove of three hundred horses which General Cos several days before started to Laredo. This was one of the most important incidents of the early part of the siege.

On the 14th, Austin wrote to the consultation informing it of Travis's success. "The enemy is closely shut up in Bexar," he said, "and more and more discouraged every day. All we need is perseverance and reinforcements, to keep up the army. I entreat the Convention to hurry on reinforcements to keep up the army, with all possible dispatch, and the campaign will soon end. There is very little prospect that the enemy will get any aid from the interior." This letter was received by the general council, which on the 19th made it the basis of a stirring appeal to the people of Texas for reinforcements: "The foregoing letter * * * speaks a language too cheering in prospect of success against our enemies not to arouse the most ardent patriotism in the bosom of every friend of liberty, and especially in the hearts of our fellow citizens of Texas. By a resolution unanimously adopted in your Council, we are prompted to call upon our fellow-citizens to rally around the standard of their country, and unite in accomplishing the glorious object contemplated in the letter from the Commanding General before Bexar, and rid Texas of the last vestige of her enemies.

"The incitements to this, must be felt in every mind. Freedom and the establishment of our rights are the objects, and glory is the certain consequence of success. We assure you, fellow-citizens, that your army now in the field has the warmest feelings, and most unalterable determination of your representatives to give it aid, comfort and support. Come then! Liberty and your country call. The gratitude of

your country will speedily be manifested through the representatives now assembled, in substantial bounties and liberal rewards, such as brave and patriot men may ever hope from an intelligent and grateful people. It may be satisfactory to volunteers, who engage in this glorious enterprise, to know that all the supplies of provisions and clothing, suited to the necessities of this inclement season, have been procured, and are procuring through the people's agents, appointed for that purpose, and that all their demands will be promptly answered. Let no discouraging reports, or vague and undefined rumors prevent your hasty co-operation with your brethren in the field; be assured that your representatives will not deceive you, nor mis-direct your efforts. God and Liberty is the watchword, peace and tranquillity your reward.

"D. C. BARRETT, *Chairman.*"

On the 18th General Austin wrote again to the consultation reporting recent movements of the enemy and of the besieging army:

"HEAD QUARTERS BEFORE BEXAR, Novr. 18th, 1835—12 o'clock.
"To the President of the General Consultation of Texas:

"In my last I communicated the taking of a cavalado of 300 horses by a detachment under the command of Capt. Travis—I now enclose his detailed report and beg leave to recommend the services of Capt. Travis and the men who composed his party.

"On the 9th inst., I received information which was entitled to attention, that a reinforcement was on the road from Laredo to join Gen. Cos. I immediately ordered Capt. Fannin to take command of sixty-five men from the encampment at the Mission Concepción, which were to have been joined by an equal number from the encampment above Bexar and to proceed on the Laredo road to intercept the reported reinforcements. Capt. Fannin marched promptly but was not joined by the party from the upper camp. He, however, proceeded on the Laredo road as far as Rio Frio. He returned last night—I enclose his official report. This officer has been very efficient and I recommend him as one of the officers of the regular army when it is organized.

"On the 14th, I received information that Col. Ugartechea left Bexar the night before for Laredo, supposedly for the purpose of escorting the expected reinforcements—I immediately despatched Col. Burleson with 130 men in pursuit of him—I have since learned that Ugartechea had a man for a pilot who has lived with the Comanches and that he will make a great circle by the hills on the head of the Medino. The prospect of Burleson's meeting him is therefore doubtful—According to the best accounts reinforcements have not yet left Laredo.—The enemy are shut up in the walls and fortifications of Bexar, parties of our volunteers go around the town daily and within cannon shot. We have picked up about twenty of their six-pound shot—I have heretofore on various occasions submitted to a council of officers the storming [of] the fortifications and I am now decidedly in favor of that measure as soon as the New Orleans Greys get up from Goliad and Burleson's detachment returns.

"The works are stronger than they were, but are greatly extended and consequently the defending force is very much scattered; the troops inside are also very much discouraged, and begin to consider the contest as hopeless, cut off as they are from resources, with a wilderness in the rear which has been burnt nearly all the way to the Rio Grande on all the roads. Bexar must fall in a short time for want of resources without loss on our part, and I think it could be stormed successfully though at a very considerable risk of losing men—My health, which has been very bad from a very severe dysentery since the army left Cibolo, has improved within the last few days very much—The army has done all that could have been done under the circumstances and without materials and organization, which latter is purely voluntary—It deserves great credit for its sufferings and perseverance—I have every confidence that a short time will end this campaign.

"Yours respectfully,

"S. F. AUSTIN."

After writing this letter Austin received from the general council notice of his election as commissioner to the United States, and at three o'clock he wrote again to the provisional government: "I can only say that I am ready at all times to serve Texas in any station where it is considered I can be useful. Some prudence will be necessary to keep this army together should I leave at once. I therefore cannot at this time say when I can be in San Felipe, but will give you the earliest possible information on this subject."

On the 21st Austin gave the order for an assault on the town, but Colonel Edward Burleson and Colonel Philip Sublett, who were now commanding the principal divisions of the army, notified him that their officers were unwilling to make the attempt at that time and the order was withdrawn.

On the 24th, the army was mustered and informed that Austin was compelled to proceed to the United States as a commissioner under his recent appointment. Volunteers were called for who would pledge themselves to remain before Bexar until it fell, and four hundred and five offered themselves. At the same time an election was held to choose a new commander-in-chief, and the choice fell upon Colonel Edward Burleson. Austin then proceeded to San Felipe, where on November 30th, he made to the provisional government a long report on the services of the volunteers: "That their services have been and now are, in the highest possible degree, useful and important to Texas, is very evident. Had this army never crossed the river Guadalupe, a movement which some have condemned, the war would have been carried by the Centralists into the colonies, and the settlements on the Guadalupe and La Baca would probably have suffered, and perhaps have been broken up. The town of Gonzales had already been attacked, and many of the settlers were about to remove.

"What effect such a state of things would have had upon the moral standing and prospects of the country, although a matter of opinion, is worthy of mature consideration; and more especially, when it is considered that, at that time, the opinions of many were vacillating and

unsettled, and much division prevailed. The volunteer army have also paralyzed the force of General Cos, so that it is shut up within the fortifications of Bexar, incapable of any hostile movements whatever, outside of the walls, and must shortly surrender, or be annihilated. The enemy has been beaten in every contest and skirmish, which has proven the superiority of the volunteers, and given confidence to every one. Our undisciplined volunteers, but few of whom were ever in the field before, have acquired some experience and much confidence in each other and in themselves, and are much better prepared for organization, and to meet a formidable attack, than they were before.

"The post at Goliad has been taken by the volunteers, and the enemy deprived of large supplies which were at that place, and of the facilities of procuring others by water, through the port of Copano, which is also closed upon them by the occupation of Goliad. The enemy has been driven from the river Nueces by a detachment of the volunteers who garrison Goliad, aided by the patriotic sons of Ireland from Power's colony. More than one hundred of the enemy, including many officers, have been killed; a great many have been wounded, others have deserted, and a valuable piece of brass cannon, a six-pounder has been taken, and another preserved (the one that was at Gonzales) from falling into the hands of the enemy. Three hundred head of horses have been taken, and the resources for sustaining an army in Bexar are all destroyed or exhausted, so that an enemy in that place is at this time more than three hundred miles from any supplies of bread-stuff and many other necessary articles. All this has been effected by the volunteer army in a little more than one month, and with the loss of only one man killed in battle, and one wounded (who has nearly recovered), before Bexar; one wounded at Goliad, and one at Lipantitlan, on the Nueces. In short, the moral and political influence of the campaign, is equally beneficial to Texas and to the sacred cause of the Constitution and of Liberty, and honorable to the volunteer army. This army is composed, principally, of the most intelligent, respectable, and wealthy citizens of the country; and of volunteers from Louisiana and Alabama,—men who have taken up arms from principle, from a sense of duty, and from the purest motives of patriotism and philanthropy. They have bravely sustained the rights of Texas, and the cause of Mexican Liberty, and patiently borne the exposure and fatigue of a winter's campaign during the most inclement, wet, and cold spell of weather known in this country for many years. The most of them are men of families, whose loss would have made a fearful void in our thin community. They might have been precipitated upon the fortification of Bexar, which were defended by seven or eight hundred men, and a number of cannon, and taken the place by storm, against superior numbers; and Texas might, and in all probability would, have been covered with mourning in the hour of victory. On consultation with the officers in councils of war, it was deemed most prudent not to hazard so much in the commencement of the contest, when a disaster would have been so materially injurious; and the system was adopted of wasting away the resources and spirits and numbers of the enemy by a siege, the ultimate success of which appeared to be certain, without any serious hazard on our

part. That the fall of Bexar within a short time, and with a very little loss, will be the result, I have no doubt."

Two days after Austin's departure from San Antonio occurred what was called the "Grass Fight." The facts of this affair of November 26 are as follows: It was known that Colonel Ugartechea was expected with reinforcements for the garrison or with money to pay off the troops. Scouts of small detachments were kept out constantly by the Texans to cut Cos's communication, and to capture foraging parties. Colonel James Bowie, with a small detachment, was out on this service, with orders to keep a lookout for Colonel Ugartechea, and report to headquarters. On the morning of the 26th, while out in the direction of the upper crossing of the Medina River, he discovered a body of Mexicans which he mistook for Ugartechea's advance. He immediately dispatched Deaf Smith to headquarters with the information. Smith arrived at headquarters about the middle of the afternoon. The news brought by him created quite a stir in camp—all were ready to march and capture Ugartechea and party.

Colonel Bowie in the meantime fell back towards town, keeping the enemy in sight, and when within one or two miles of the town took a strong position in a ravine, with nearly perpendicular banks from three to six feet high, and awaited the advance of the enemy and reinforcements from camp. At this point he held the enemy in check till troops from camp arrived on the ground. In the meantime General Cos, seeing the stir in the Texas camp, divined the cause and ordered out a strong detachment, with one piece of artillery, to the aid of his foraging-party. The Texans, when the order was given to go to the relief of Bowie turned out, some on horseback, others on foot, without regard to order of march, and moved in double-quick for the scene of action. As they arrived they took position in a ravine nearly at a right angle from that occupied by Bowie. When the main force got up, there being no enemy in sight, a company, Captain James G. Swisher's, advanced to the high ground in front of the ravine. The enemy, who had taken position in a ravine nearly parallel with that occupied by the main force, opened fire on the Texan lines with artillery and musketry. They had fired several rounds, with no other result than a waste of their ammunition. The Texans did not return the fire, for the reason that the enemy was not only invisible but protected by the banks of the ravine. At this stage of affairs, Captain Swisher, who has discovered the position of the enemy, at the suggestion of Colonel Johnson, with his company, charged the piece of artillery, supported by infantry, at the head of the ravine, and drove them down on the main force. The Texans from the ravine advanced and opened fire on the enemy, but at too great a distance to do much execution, if any at all. The Mexicans retreated rapidly to the town, the Texans pursuing till within range of the guns of the town, when they were ordered to fall back, and occupy their first ground.

Seeing no movement by the enemy to move their animals and forage, orders were given to return to camp. This was a brilliant affair, though conducted without any regular order of battle—each one fought on his "own hook."

The spoils of victory were a large number of horses, mules, saddles,

bridles, blankets, ropes, and a large number of packs or bales of grass, the latter was set on fire. The loss of the enemy, if any, is not known except one man left on the ground with his thigh broken.

Colonel Thomas J. Rusk, a former aide of General Austin's, was present and acquitted himself with his usual gallantry. His account of the affair is here inserted.

"For several days previous to the 26th of November, 1835, Col. Ugartechea was expected to return from Laredo with a reinforcement variously estimated from four hundred to eight hundred men. Deaf Smith had been for some days on the lookout in the direction of Laredo and on the morning of the 26th, he was seen coming across the field at full speed making his way to headquarters. He came in and stated that a body of Mexicans which he supposed were the reinforcements were about five miles west of town and coming in. General Burleson ordered out about forty cavalry under the command of Col. Bowie to intercept and delay them until about one hundred and sixty infantry, which he ordered out, could come up. Smith said he thought the Mexican force was about five hundred strong. The men were immediately in motion, and in a rapid march Bowie dashed on with his horsemen and intercepted the enemy about a mile from town and about four miles from our camp. It turned out to be about one hundred and fifty Mexican cavalry who had been sent out of town for the purpose of procuring grass for their horses. Bowie immediately commenced an attack upon them and ordered his men to dismount and take a bank. The Mexicans also dismounted and took a ditch and sent back to town for a reinforcement. At this time, Bowie's guns commenced firing. The infantry had just arrived at a creek which was about waist deep and about a mile in a direct line from where Bowie commenced the fight but about two miles the way we had to march. Some cavalry had been seen a moment before Bowie's engagement commenced and something was said about taking a favorable position to fight them but on hearing the commencement of the firing the men jumped in and waded the creek and advanced at a run to reinforce Bowie. When we got in half a mile of him the firing ceased. We advanced rapidly but with very little expectations of getting into a fight. The grass party had retired and got into a ditch and were waiting for the reinforcement from town, which was then coming, consisting, from the best information I could gather, of about five hundred men and one piece of artillery, I think a six-pounder. We were not apprized of the position Bowie occupied and marched in between the grass party and the reinforcement, who were apprized of our situation and we not of theirs. They waited very quietly until we passed a little eminence that was between us and them and then gave us a general fire which threw our men into confusion. An order was given to lie down, followed immediately by an order from some one to retreat. It is due to Burleson to say that this order was not given by him, nor do I know by whom. At the same time an order was given to charge, and about fifty of our force did charge. In the charge we got in some forty yards of where the grass party were lying concealed on our right and the reinforcement gathered to our left. The grass party then opened a fire on us, which was repeated before we could discover where they were. Their

force was about a hundred and thirty, Bowie having killed and wounded about twenty. Fifteen of our mess charged on them and routed them from the ditch, killing and wounding several of them. They ran entirely off the field and I do not believe that they again joined in the fight. Our forces were by this time scattered over about one hundred acres of ground, and in small parties, every man fighting pretty much on his own hook. We, however, kept advancing upon the enemy and they falling back. We got in about eighty yards of the cannon, when it was discharged on us with grape and cannister and run back a short distance, where they halted and fired again. They then attempted a charge with I think about a hundred and fifty cavalry on about forty of our men who were occupying a little eminence on the field to prevent the enemy bringing their cannon to that point, which would have given them an advantage. The cavalry came up at a beautiful charge until they got within about one hundred yards, when they broke their ranks and fell back. They twice repeated this attempt at a charge but failed to get any nearer us than about one hundred yards. About this time the Morales Battalion was brought up to drive our men from the eminence. These men advanced with great coolness and bravery under a destructive fire from our men, preserving all the time strict order and exhibiting no confusion. They got up in about twenty yards of our position; all our guns and pistols had been fired off and we had no time to reload and must have tried the butts of our guns against their bayonets but for the fact that some of our men who were fighting in a different place hearing the steady fire . . . at that point attempted to come to them and in coming across the field ran nearly upon the enemy's cannon. The Mexicans took it for granted that it was an attempt to take their cannon and ordered the Morales Battalion to reinforce the cannon. They soon after retreated until they came under cover of the guns of the town. Col. Bowie joined us soon after the fight commenced and acted with his usual coolness and bravery. During the engagement a little boy was sitting down behind a bunch of small thorn bushes loading his gun. The cannon was fired and the whole charge of grape and cannister struck the bushes and tore them literally to pieces, but the boy escaped unhurt. During the engagement a Mexican officer who had acted with great bravery charged alone into the midst of our men and was shot off his horse by one of our men. The fight I think lasted about an hour and a half. The number of the enemy killed has been variously estimated from forty to upwards of a hundred. I think the latter the most accurate. They carried off during the engagement a number of the dead, as I saw myself several dead men carried off on horseback. During the fight Genl. Burleson, Col. Jack, Col. Sublett, Col. Somervill, Col. Johnson, and Adjutant Brister were all on the field. Adjutant Brister, who has since been killed, acted with great bravery during the whole of the fight, and old Mr. Burleson, the father of Genl. Burleson, particularly distinguished himself. After the battle was over we formed and waited about an hour, and marched back to camp, where we arrived a little after dark. We had four men slightly wounded and one of our men ran away and was never heard of until he got to Gonzales, about seventy-five miles."

These little affairs not only served to break the monotony of camp life but to keep the volunteers in good spirits, notwithstanding the inclemency of the weather, want of proper clothing, blankets, and tents. The Provisional Government did what it could to supply the wants of the army. Texas was without a treasury, and without credit. Of this the volunteers were aware and they made no complaints, but performed their duty on all occasions with alacrity. They were governed by no law except their own sense of right and duty; their patriotism and love of country predominated and imbued every heart!

I will notice an error into which Yoakum was drawn, in which he does the volunteers great injustice. He says:

"After the departure of General Austin, the besieging army before San Antonio came very near being broken up. This threatened dissolution originated from a projected enterprize against Matamoras, with the hope of obtaining the co-operation of a large force of Mexican Liberals. Dr. James Grant, an Englishman, some time before domiciliated about Monclova, and one of the legislators dispersed by General Cos, was the cause of this movement. He published an account of the exposed condition of the interior of Mexico—representing that Alvarez was active in the south, and had taken Acapulco; that Guzman and Montenegro had an army of twenty-one hundred Liberals in the state of Guadalajara; that Puebla, with the governor at its head, had refused to publish the centralizing decree of the 3rd of October, and the people were rising *en masse* to defend their liberties; that Valladolid had protested in the strongest terms, and was raising her civic militia; that Oajaca had made a like protest and was also preparing for defence; that Zacatecas was ready to take the first opportunity to avenge her wrongs; so also was Durango; and that Tamaulipas and New Leon would rise the moment an attack was made on Matamoras, and San Luis Potosi would instantly follow. These, with the further representations—made, no doubt, honestly by Grant—that Santa Anna was sadly distressed for want of funds to carry on his despotic plans, and that his army was scattered and could not be safely united, served to turn the heads of many of the leading men of Texas. It was supposed that they had only to show themselves on the right bank of the Rio Grande, when the whole of Mexico would rally around them! They never reflected that since 1832 the Texans had been a by-word of reproach in Mexico, and that all parties then denounced them as 'perfidious, ungrateful disturbers'."

The facts upon which this fine-wrought story is based are these: Dr. James Grant was a Scotchman, not "Englishman," a gentleman of literary attainments, urbane and social, and possessed of fine conversational powers. He resided at Parras, not "about Monclova," Coahuila, and owned a *hacienda* there, on which he was erecting mills for the manufacture of woolen and cotton fabrics; there was, also, on the estate a good vineyard from which he manufactured wine and brandy.

It is true that Dr. Grant suggested the idea of taking Matamoras, by which the government of Mexico would be deprived of a source of considerable revenue. He believed the project to be not only practicable, but of great public advantage to Texas, believing, as he did,

that once in possession of that town the Texans would be joined by large numbers of Mexican Liberals. This project was freely discussed by the volunteers of the army, but neither Grant nor the volunteers thought, much less intended, to break up the army. For, in the latter part of November, Grant was superintending the building of a furnace to cast cannon balls and a number of balls had been brought up from the missions below town for that purpose.

From the time when the Texas army took position before San Antonio de Bexar there had been a want of suitable ammunition for the three pieces of artillery, one of which was taken at Concepción, nor was either of them, except the last, properly mounted. True, exertions had been made to procure and forward heavier guns and a supply of ammunition, but so far without success. Indeed there was scarcely a musket and bayonet in the army; the principal arms were rifles with a few double-barreled shot-guns. The army was indebted to the enemy for a number of cannon balls which they fired at the Texan position, about one half of which fell short, struck the ground, and rolled forward. On these occasions, it was quite amusing to see two or three or half a dozen in chase of the balls, which, when recovered were from time to time returned in compliment to the enemy.

In the last days of November, by way of breaking the monotony of camp life and to annoy the enemy, a trench was opened between the Old Mill and the Alamo, near the San Antonio River, and in point blank shot of the Alamo. The trench formed two sides of a right angled triangle, in which was placed at night the cannon, taken at Concepción. Early the next morning the Texans opened fire, alternately on the Alamo and the town, which was kept up the greater part of the day. The effect of the fire is not known but it was reported by citizens of the town that one or two in the Alamo were killed and wounded, and that it produced great excitement in the town. It was, however, an unfortunate waste of ammunition on the part of the Texans, as will be seen in the sequel. The gun was withdrawn at night, and the party returned to their quarters.

The question of raising the siege, and going into winter quarters, either at Goliad or Gonzales, or at both places, was being discussed at headquarters in the first days of December. However, on the 3rd of December a council of war was held at headquarters of the commanding General, when it was resolved that the army should retire, and go into winter quarters at Goliad or Gonzales. This action, though approved by a majority of the officers and men composing the army, was regarded by others as fatal to the campaign, and would result in breaking up the volunteer force, which was then the last hope of Texas. It was urged that an evacuation of the Texans and the certain dissolution of the army would open up the whole country to the military, who would not be slow in following up the advantage thus afforded them.²

² Yoakum has here been drawn into an error. "During that day and night, all was preparation and impatience for the hour to march. A serious conference was in session in General Burleson's quarters, which closed by a proclamation that descent on the town was postponed! The burst of disappointment and indignation which followed this announcement can be better imagined than described. A general parade

On the 4th, marching orders were issued, and the Quartermaster was directed to have the trains loaded and ready to move with the army on the 5th. About the middle of the afternoon, when most of the baggage wagons were loaded, and everything in readiness for the march on the next day, a Lieutenant of the Mexican army, a deserter, entered our camp, and was taken to General Burleson's quarters. He reported the defences of the town weak, and that the place could be taken easily. After hearing his report, Colonel Johnson suggested to Colonel Milam to call for volunteers, that "now is the time." Most of the army had gathered at the headquarters of General Burleson. Milam called in a clear, loud voice "who will go with Old Ben Milam into San Antonio?" Many answered "I will," whereupon they were requested to fall into line. After a respectable number had formed in line, they were requested by Milam to assemble at the Old Mill, at dark, and there organize. It was first intended to enter the town in

was ordered for ten o'clock in the morning of the 4th. Many of the companies refused to turn out. The causes assigned for postponing the attack were, the absence of Arnold, one of the guides, together with an opinion that the besieged had received notice of the intended assault.

"About two o'clock in the afternoon of the 4th of December, an order was issued to raise the siege, and to set out for La Bahia at seven o'clock that evening. 'It was then,' says an eye witness, 'that the scene was wholly indescribable, and serious apprehensions were entertained that our camp would become the theatre of blood.'"

In answer to this gross slander it is sufficient to say that the author was an "eye witness," and held a position in the army that gave him every opportunity of knowing and witnessing whatever was done in the army, and knows of what he writes. The true history of the case is this: As before stated the question of raising the siege, and going into winter quarters, had been mooted at headquarters. On the night of the 3d of December, a council of war was called, composed of the field officers and staff, who met at headquarters, where the questions of raising the siege and of going into winter quarters were submitted by General Burleson. After mature deliberation and discussion, it was decided with but one dissenting vote, that of the Adjutant and Inspector General (the author), to raise the siege and go into winter quarters. Two propositions were offered. First, that the army should be divided into two divisions, one to occupy Goliad, and the other Gonzales on the Guadalupe river. The second that the army should return to Gonzales, and establish a camp on the east bank of the Guadalupe river. The second proposition was adopted.

The adjutant and inspector-general in dissenting from the majority offered the following reasons: "First, that an evacuation, without striking a blow would be fatal to the campaign, and expose our Mexican friends in and around San Antonio de Bexar to the ravages of the enemy, perhaps drive them from their homes. Second, that by going into winter quarters, under the circumstances, would virtually be to break up the army, which was then the last hope of Texas. Third, that the army was composed principally of Texans, most of whom had families, that their want of proper clothing, blankets and tents, would be a sufficient reason for their returning home, leaving only the volunteers from the United States to maintain a camp. Fourth, that the enemy would not long delay taking advantage of this state of things and marching into the settlements.

In pursuance of the decision of the council-of-war, orders were issued on the morning of the 4th for a general parade, and to the quartermaster general to have the baggage wagon loaded, and in readiness to move with the army. On parade, orders were given the field officers to hold their respective commands to march that night for Gonzales. Their orders were received without any "burst of indignation" nor did a single company refuse "to turn out," and no occasion was given for thinking or "fearing that the camp would become the theatre of blood." True the order was a surprise and regretted by many in the army.

three divisions—one by Colonel Milam, one by Colonel William T. Austin, and one by Colonel Johnson. However, on assembling at the mill it was found that we had but three hundred and one men. Hence, it was decided that the force should be divided into two divisions, the first, under Colonel Milam, aided by Major Morris; the second, led by Colonel Johnson, aided by Colonels Austin and Grant.

The first division was composed of Captains York, Patton, Llewellyn, Crane, English and Landrums companies, with two pieces and fifteen artillerymen, commanded by Lieutenant-Colonel Franks. The second, composed of the companies of Captains Cook, Swisher, Edwards, Ally, Duncan, Peacock, Breece, and Placido Venavides. The first division was to enter the town by the first street running north from the public square, and occupy the De la Garza house, within musket range of the square; the second division was to march near the river and take possession of the Veramendi house.

Thus organized and with the place of attack arranged, the two divisions took up the line of march just before day on the morning of the 5th of December. Erastus, or Deaf Smith and Norwich were guides of the second division, and H. Arnold and John W. Smith, guides of the first division.

It is proper to remark in this connection that after organizing and settling our plan of attack I suggested to Col. Milam the propriety and necessity of waiting upon Gen. Burleson, and requested him to hold his position until the result of the assailing party on Bexar was known. This I held to be a measure of not only prudence but of safety and would greatly increase our chances of success. Milam had taken offence at Burleson, supposing Burleson had favored going into winter quarters without making an attempt to take Bexar. In this opinion, Milam was mistaken. Burleson was overruled in the council of war. The field officers comprising the council, almost to a man, voted to go into winter quarters.

I waited upon General Burleson at his quarters, and requested a private interview, which he readily granted. I informed him of the object of my visit, and explained how much both our safety and success depended upon his maintaining his position. He at once saw the wisdom and importance of pursuing the course I requested, and readily and cheerfully consented to do so, and assist in every way he could. This settled, and satisfied that General Burleson would perform all that he had promised, I left and reported success to Milam.

Before following up the advancing columns, we will state the division of General Cos's force, and the defences of the town. The first consisted of two divisions, one of which occupied the town, and the other the Alamo, with headquarters in the Hall of Justice, Constitutional Plaza. Of the armament of the Alamo, it is sufficient to say that it was well supplied with artillery, but of small calibre—four and six pounders. Of the defences in town, a breastwork, and one gun was thrown up at the northeast angle of Constitutional Plaza, also a breastwork and gun at the entrance of the street from the Alamo, in Constitutional Plaza. At the southeast angle of the same plaza was another work and one gun. At the southwest angle of Military Plaza was another breastwork and at the northwest angle was erected a breast-

work with one gun, and a furnace for heating shot. About midway of this plaza, north boundary, was a redoubt with three guns. The church is situated about the center of the two plazas. The priest's house in the northern boundary is nearly opposite to the church. The Navarro house on the same line further west. The Zambrano Row is in the street entering the Military Plaza at its northwest angle.

From the foregoing, an idea may be formed of the strength of the town, and the work the Texans had before them. The Old Mill, the encampment of the Texas army, was eight hundred or a thousand yards north of the town and Alamo. We will now return to the assailing parties and follow them into town.

While we were engaged in town, Cos ordered out a squadron of his cavalry to attack General Burleson's camp. The attack was met and repulsed by a few rounds of canister and round shot from a six pounder. For full particulars and result, see the subjoined report by General Burleson to the government.

The first division did not enter the town quite as soon as the second, on account of having to march a greater distance; however, there was not more than five minutes difference of time in their arrival.

Colonel James C. Neill was ordered, with one gun and a suitable force, to cross the San Antonio river before day and take a position, within range, and open a brisk fire on the Alamo, and thereby create a diversion in favor of the assaulting columns, and then return to camp.

The second division on its march, near the town, was fired on by the enemy's picket; the shot was returned by our guard, Smith, though contrary to orders, and wounded the guard. With this interruption only we entered and took possession of the Veramendi house, and without a shot from the enemy. This house formed an L or two sides of a square, the other two sides of stone or adobe, pickets, and earth thrown up. The De la Garza house is a large building, but without any enclosure. It is proper to say that these, and all the better houses of the town, have very thick walls—proof against small arms and light artillery.

The second division had barely time to make proper disposition of the several companies when the town and Alamo opened upon it with artillery and small arms which were soon after directed against the first division also. The first of the enemy was so heavy that we could do but little more than strengthen our outer walls, secure the doors and windows with timber and sand-bags, cut loop-holes in the walls of the building, and use our rifles whenever a Mexican showed himself. The Mexican houses have flat roofs and, generally, a parapet of some two or more feet above the roof. Believing this house to be no exception, a small detachment of men ascended to the roof by means of a ladder. However, on getting up they found the parapet wall too low to afford any protection. Most of the men were wounded, and we had to break a hole in the roof and let the men down by means of a rope, into one of the rooms below. The enemy kept up a pretty constant fire during the day and night. Our casualties were one man killed and some half dozen wounded, among them Colonel James Grant. In the first division there were but three or four wounded, among whom was

Thomas William Ward, of the artillery. One of the two pieces—a twelve pounder—was dismounted by a shot of the enemy, and the other was but little used for want of cover.

Night having come on, we collected all the mining tools we had—one shovel, two crow-bars, and one pick—and having prepared sand-bags during the day, made details of men to open a communication between the two divisions. This, however, was a work of both time and labor on account of our want of tools, and was not completed until the second night. General Burleson visited the second division at night of the first day, and brought with him the first beef that we had had since leaving camp. Colonel Johnson crossed over to the first division and reported success and casualties to Colonel Milam. The troops of both divisions were not only cheerful but enthusiastic.

The second day, we further strengthened our lines, and opened a more effective force against the enemy as our lines were now well covered. We also took two advanced positions, one in front, and the other in advance of and on the right flank of the first division. The first was effected by Henry Carnes, who, crow-bar in hand, broke down the door, and was soon followed by the whole company—Captain York's—the second was effected by Lieutenant McDonald, of Captain Crane's company, with a few followers, who took possession of a strong house, and held it. Having got our artillery under cover, we opened a well directed fire on the town. Our casualties were three privates severely wounded, and two slightly. Fortunately for us, the house occupied by the second division contained a considerable quantity of dry goods, which we found useful in converting into sand-bags.

On the morning of the third day, at daylight, it was discovered that the enemy had thrown up an embankment on the Alamo side of the river, and opposite our left flank, from which they opened a brisk fire of small arms, which was seconded by the guns of the Alamo; however, they were soon silenced by our rifles and driven from their position. It was on this day, instead of the second, that Carnes found the house in front and in advance of the first division.

The enemy during the night of the second had strengthened a house situated on the street leading from the town to the Alamo, and in front of the second division, from which they opened in the morning a brisk fire of artillery and small arms. The second division had from the first suffered most from this house. However, our six pounder was brought over from the first division, placed in battery, and opened fire on the Mexican house in front. This fire, together with that of our rifle men, soon caused the enemy to withdraw their artillery, and the fire from their small arms slackened.

In the morning the enemy opened a heavy fire from all their positions that would bear upon us, and at half past three o'clock, as our gallant commander, Colonel Milam, had entered the yard of the house occupied by the second division, he received a rifle shot in the head, which caused his instant death. The death of this gallant leader cast a gloom over the entire command. Our casualties, otherwise, were two privates, slightly wounded.

Benjamin R. Milam, whose name will and ought ever to be held in grateful and honored remembrance by Texans, was born of humble par-

ents in the state of Kentucky, and received but an imperfect education. He was six feet high, of fine form and commanding appearance. "Endowed by nature with a strength of mind and spirit of enterprise almost peculiar to the inhabitants of the Western States," fortified by habits of independence, he associated with the Indian tribes, in order to explore the more southerly portions of Texas. In the war with Great Britain, in 1812-15, he acquired a high reputation among his countrymen; but, dissatisfied with the prospects there before him, at the close of the war, he engaged in the struggle then going on in Mexico for independence, and soon distinguished himself by his courage, zeal, and love of freedom. Opposed to the usurpation of Iturbide, he was arrested and imprisoned; but subsequently released in consequence of a pronunciamiento for a Republic. He assisted in the expulsion of Iturbide. He obtained, in 1828, a colonization contract. Escaping from Monterey, where he had been imprisoned with Governor Viesca and others, in 1835, he made his way to Texas. He had crossed the San Antonio river near Goliad. Faint and tired, he took shelter in a bunch of bushes. The approach of Captain Collinsworth's company attracted his attention. Naturally supposing them to be a squad of Mexican soldiers, he determined to defend himself to the death. To his astonishment and joy, the advancing force proved to be his fellow-colonists of Texas, who were marching against Goliad. He, at once, decided to join the volunteers as a private, although accustomed and well qualified to command. He was among the foremost in the assault. He remained a few days after the capture of the fort, and then joined the army of General Austin near San Antonio.

When killed, the Masonic fraternity, then present, took charge of his body, and, with a proper detail of troops, he was buried in the yard—east side—of the Veramendi house, with military honors. His remains were subsequently disinterred and deposited in the old burying ground west of the town, with appropriate Masonic and military honor.

At a meeting of the officers of both divisions, at 7 o'clock P. M., Colonel F. W. Johnson was unanimously chosen commander of the assaulting force.

The fourth day was wet and cold, with but little firing on either side. Early in the day, the companies holding the Navarro house, aided by the Grays, advanced and took position on the Zambrano Row, which led to the Military Square. Our brave boys fought their way from house to house, cutting loop-holes through the walls, and thereby drove the enemy from house to house, disputing every inch of ground, and seconded by a heavy fire of artillery and musketry. After suffering a severe loss in officers and men they evacuated the whole row and their position in the square. A more daring or desperate fight is not to be found in the history of wars. This gave the detachment command of the Military Square, an important point gained. This important advanced position was reinforced by Captains Swisher, Ally, Edwards, and Duncan's companies. The casualties of the day were one captain severely wounded (Captain Peacock, who subsequently died) and two privates.

Notwithstanding the vigilance of the scouts kept out, we received undoubted information of the arrival of reinforcements to the enemy,

under Colonel Ugartechea. Near midnight the Captain of the Grays and Captain Patton, of the Brazoria volunteers, were ordered to storm and carry the priest's house, a strong position on the north side, and near the northeast angle, of the civil square. They were exposed to the fire of a battery of three guns and a large number of musketeers. Indeed, so near did they pass under the guns of the wall enclosing the yard of the house, and which had been pierced for musketry, that many of the men had their whiskers and hair burnt by the blaze of the guns, but they advanced steadily and soon carried the position, which gave us command of both squares.

Before ordering the assault, however, we had been reinforced from the reserve by Captains Cheshire, Lewis and Sutherland's companies.

Immediately after taking the priest's house, the enemy opened an incessant fire of artillery and small arms against every house in our possession and every part of our lines, which they kept up until near daylight of the fifth day. Immediately after daylight it was discovered that the enemy had hauled down his flag, and hoisted in its stead a white flag. Soon after a bearer of a flag of truce was brought to the headquarters of Colonel Johnson, and declared the desire of General Cos to capitulate. Commissioners were immediately appointed by both commanders. Colonel Johnson, in the meantime, sent a despatch to General Burleson informing him of the agreement of capitulation and desired that he would visit the town immediately.

Our loss in this daring, hazardous, midnight assault, strange and miraculous as it is, was only one man—Beden of the New Orleans Grays, dangerously wounded in the eye in attempting to spike a gun.

Herewith is subjoined the report of General Burleson:

“BEXAR, December 14th, 1835.

“*To His Excellency Henry Smith, Provisional Governor of Texas:*

“SIR: I have the satisfaction to enclose a copy of Colonel Johnson's account of the storming and surrender of San Antonio de Bexar, to which I have little to add that can in any way increase the luster of this brilliant achievement to the Federal arms of the volunteer army under my command; and which will, I trust, prove the downfall of the last position of military despotism on our soil of freedom.

“At three o'clock on the morning of the 5th instant, Col. Neill, with a piece of artillery, protected by Capt. Roberts and his company, was sent across the river to attack, at five o'clock, the Alamo, on the north side, to draw the attention of the enemy from the advance of the division which had to attack the suburbs of the town, under Colonels Milam and Johnson. This service was effected to my entire satisfaction; and the party returned to camp at nine o'clock a. m.

“On the advance of the attacking division, I formed all the reserve, with the exception of the guard necessary to protect the camp, at the Old Mill position, and held myself in readiness to advance, in case of necessity, to assist when required; and shortly afterwards passed into the suburbs to reconnoitre, where I found all going on prosperously, and retired with the reserve to the camp. Several parties were sent out mounted, under Capts. Cheshire, Coleman and Roberts, to scour the country, and endeavor to intercept Ugartechea, who was expected, and

ultimately forced an entry, with re-inforcements for General Cos. Captains Cheshire, Sutherland and Lewis, with their companies were sent in as re-inforcements to Col. Johnson during the period of attack; and Captains Splane, Ruth, and Lieut. Borden, with their companies, together with Lieut-Cols. Somervell and Sublett were kept in readiness as further assistance if required. On the evening of the 8th, a party from the Alamo, of about fifty men, passed up in front of our camp and opened a brisk fire, but without effect. They were soon obliged to retire precipitately, by opening a six-pounder upon them, commanded by Capt. Hummings, by sending a party across the river, and by the advance of Capt. Bradley's company, who were stationed above. On the morning of the 9th, in consequence of advice from Col. Johnson of a flag of truce having been sent in, to intimate a desire to capitulate, I proceeded to town, and by two o'clock a. m. of the 10th, a treaty was finally concluded by the commissioners appointed, to which I acceded immediately, deeming the terms highly favorable, considering the strong position and large force of the enemy, which could not be less than thirteen hundred effective men; one thousand one hundred and five having left this morning with Gen. Cos, besides three companies and several small parties which separated from him in consequence of the fourth article of the treaty.

"In addition to a copy of the treaty I enclose a list of all the valuable property ceded to us by virtue of this capitulation.

"General Cos left this morning for the mission of San José, and, tomorrow, commences his march to the Rio Grande, after complying with all that had been stipulated.

"I cannot conclude this despatch without expressing in the warmest terms my entire approbation of every officer and soldier in the army, and particularly those who so gallantly volunteered to storm the town, which I have the honor to command, and to say that their bravery and zeal on the present occasion merit the warmest eulogies which I can confer and, the gratitude of their country. The gallant leader of the storming party, Colonel Ben R. Milam, fell gloriously on the third day and his memory will be dear to Texas as long as there exists a grateful heart to feel, or a friend of liberty to lament his loss. His place was most ably filled by Col. F. W. Johnson, adjutant-general of the army, whose coolness and prudence, united to daring bravery, could alone have brought matters to so successful an issue with so very small a loss against so superior a force and such strong fortifications. To his shining merits on this occasion, I bore ocular testimony during the five days' action.

"I have also to contribute my praise to Major Bennett, quartermaster-general, for the diligence and success with which he supplied both armies during the siege and storm.

"These despatches, with a list of killed and wounded, will be handed to your Excellency by my first aide-de-camp, Colonel Wm. T. Austin, who was present as a volunteer during the five days' storm, and whose conduct on this and every other occasion merits my warmest praise.

"Tomorrow I leave the garrison and town under command of Colonel Johnson, with sufficient number of men and officers to sustain the same, in case of attack, until assisted from the colonies; so that your

Excellency may consider our conquest as sufficiently secured against every attempt of the enemy. The rest of the army will retire to their homes.

"I have the honor to be, Your Excellency's obedient servant,

"EDWARD BURLESON,

"Commander in Chief of the Volunteer Army."

"CAPITULATION, ENTERED INTO BY GEN. MARTIN PERFECTO DE COS, OF THE MEXICAN TROOPS, AND GENERAL EDWARD BURLESON, OF THE COLONIAL TROOPS OF TEXAS.

"Being desirous of preventing the further effusion of blood and the ravages of civil war, we have agreed on the following stipulations:

"1st. That Gen. Cos and his officers retire with their arms and private property, into the interior of the republic, under parole of honor that they will not in any way oppose the re-establishment of the Federal Constitution of 1824.

"2nd. That the one hundred infantry lately arrived with the convicts, the remnant of the battalion of Morelos, and the cavalry, retire with the General; taking their arms and ten rounds of cartridges for their muskets.

"3rd. That the General take the convicts brought in by General Ugartechea, beyond the Rio Grande.

"4th. That it is discretionary with the troops to follow their General, remain, or go to such point as they may deem proper; but in case they should all or any of them separate they are to have their arms, etc.

"5th. That all the public property, money, arms, and munitions of war be inventoried and delivered to General Burleson.

"6th. That all private property be restored to its proper owners.

"7th. That three officers of each army be appointed to make out the inventory and see that the terms of the capitulation be carried into effect.

"8th. That three officers on the part of Gen. Cos remain for the purpose of delivering over the said property, stores, etc.

"9th. That Gen. Cos, with his force, for the present occupy the Alamo; and General Burleson, with his force, occupy the town of Bexar; and that the soldiers of neither party pass to the other armed.

"10th. Gen. Cos shall, within six days of the date hereof, remove his force from the garrison he now occupies.

"11th. In addition to the arms before mentioned, General Cos shall be permitted to take with his force a four-pounder, and ten rounds of powder and ball.

"12th. The officers appointed to make the inventory and delivery of the stores, etc., shall enter upon the duties to which they have been appointed, forthwith.

"13th. The citizens shall be protected in their persons and property.

"14th. Gen. Burleson shall furnish General Cos with such provisions as can be obtained, necessary for his troops to the Rio Grande at the ordinary price of the country.

"15th. The sick and wounded of General Cos's army, together with a surgeon, are permitted to remain.

"16th. No person, either citizen or soldier, to be molested on account of political opinions hitherto expressed.

"17th. That duplicates of this capitulation be made out in Castilian and English and signed by the commissioners appointed, and ratified by the commanders of both armies.

"18th. The prisoners of both armies, up to this day, shall be put at liberty.

"The commissioners, José Juan Sanchez, adjutant inspector; Don Ramon Musquiz and Lieutenant Francisco Rada, and Interpreter Don Miguel Arciniega, appointed by the Commandant and Inspector-General Martin Perfecto de Cos, in connection with Col. F. W. Johnson, Major R. C. Morris, and Captain J. G. Swisher, and Interpreter John Cameron, appointed on the part of General Edward Burleson, after a long and serious discussion, adopted the eighteen preceding articles, reserving their ratification by the Generals of both armies.

"In virtue of which, we have signed this instrument in the city of Bexar on the 11th of December, 1835.

"JOSE JUAN SANCHEZ,

"RAMON MUSQUIZ,

"J. FRANCISCO DE RADA,

"MIGUEL ARCINIEGA, *Interpreter*,

"F. W. JOHNSON,

"ROBERT C. MORRIS,

"JAMES G. SWISHER,

"JOHN CAMERON, *Interpreter*,

"I consent to and will observe the above articles.

"MARTIN PERFECTO DE COS,

"Ratified and approved.

"EDWARD BURLESON,

"Commander-in-Chief of the Volunteer Army.

"A true copy.

"EDWARD BURLESON, Commander-in-Chief."

The official reports of the fall of Bexar were received and transmitted by Governor Smith to the council on December 14th, and the next day the council addressed to the victors a hearty letter of thanks:

"COUNCIL HALL, SAN FELIPE DE AUSTIN, *December 15th, 1835.*

"To General Edward Burleson, Colonel F. Johnson and all the brave officers and soldiers of the citizen volunteer army in Bexar.

"FELLOW CITIZENS: The Representatives of your General Council, were this hour greeted with the welcome intelligence of your glorious victory and triumphant conquest, over the post of Bexar, with all your enemies prisoners, together with all the arms, munitions and provisions. We expected no less from our heroic citizens and brave compatriots of our northern brethren. We felt that you were invincible, and that our enemies, although greatly out-numbering you, must yield to the sons of freedom. Their cause is that of oppression and tyranny, ours, that of liberty and equal rights. They are but the

hireling slaves of an usurper. You are the brave sons of Washington and freedom, and you have proved yourselves worthy of your glorious origin. You have fulfilled the expectations of your country, and the hopes of all the lovers of liberty on earth. Your Representatives extend to you the cordial hand of congratulation and gratitude as well in behalf of our fellow-citizens and our families, as for themselves. You have valiantly acquitted yourselves of the high trust which your country's danger caused you to assume, and your names will be enrolled in the first pages of your country's history of heroes, as well as imprinted on the hearts of your fellow-citizens. But in the midst of joy there is mourning, and while we shout your victory, the tears of holy sorrow bedew our faces. The brave and heroic Milam has fallen in the arms of victory and the cause of his injured country. In him we have lost a precious gem from the casket of brilliant heroes. God rest his soul! while his memory shall survive as long as a free-man has a standing in Texas.

"Other brave men have also mingled their blood with their country's sacrifices. Their honor is imperishable. That your first noble example may be followed is the ardent wish of your Representatives, whose efforts in their sphere have been anxiously directed for your aid and comfort; and had your country's means at command been equal to her generous gratitude your every want had been promptly supplied.

"Citizen soldiers, many of you have long been in the field of honor and of danger, separated from your families and your homes. A respite from your labors and your privations must be desirable; and it is reasonable, in anticipation of this glorious event to be achieved by your arms. Your government has been solicitously engaged in organizing a regular army, upon a proper footing, together with provisions for an auxiliary volunteer corps, that you might be released and get rest among your families and friends, until the future calls of your country again place you in defence of her and your just rights. To such calls you have always proved your hearty response. We address you in much haste, but with feelings not to be repressed. Your joy is our joy, your sorrows, our sorrows; and with assurance of unabating sympathies with you, and all our fellow-citizens in the present glorious epoch in our country's annals,

"We are truly your

"FELLOW CITIZENS AND FRIENDS."

At the same time the commissioners to the United States were notified of the successful termination of the campaign, and the hope was indulged that this might lighten their task of enlisting support in the United States.

While these things were transpiring around San Antonio de Bexar, a spirited affair occurred on the Nueces river near San Patricio. The Mexicans had a small garrison at Lipantitlan on the west side of the Nueces. To reduce this place, Captain P. Dimit, commandant at Goliad, despatched Adjutant Ira Westover with thirty men against it. The following is a brief account of the affair:

Adjutant Westover on his march was joined by twenty volunteers,

which increased his force to fifty men. On his arrival at San Patricio on the 3d of November, 1835, he learned that the enemy were out in pursuit of him. By a forced march the Texans reached Lipantitlan in the evening of that day. The Mexicans in the fort, twenty-one, surrendered that night on condition of being set at liberty, on parole not to take up arms against Texas during the war. They had in the fort two pieces of artillery, a four and two pounder, which they had forcibly taken from the citizens of San Patricio. The Texans held the place until evening of the next day, 4th, when they prepared to cross the river. Before crossing, however, they discovered a small party of Mexicans watching their movements. About half of the men had crossed the river, when Adjutant Westover was informed that the enemy, some seventy odd, were approaching. The Mexicans advanced rapidly and an action immediately ensued. After a sharp contest of some half hour, the Mexicans retreated, leaving the Texans masters of the field, from which they captured eight of the enemy's horses, and one of their wounded—the alcade of San Patricio. The enemy lost in killed, wounded and missing, twenty-eight. One Texan, Braken, was wounded in the hand. No other casualty. Adjutant Westover concluded his report as follows:

“I had previously sent to San Patricio for a team to move the artillery (the four pounder was put across the river previous to the action) but in consequence of a heavy shower of rain, and cold wind from the north, the men were very much chilled, and night approaching, and no team coming, I, together with Captain Kerr, John J. Linn and James Power, who rendered me signal service, advised the propriety of throwing the artillery in the river and it was accordingly done.

“The men all fought bravely, and those on the opposite bank of the river were enabled to operate on the flanks of the enemy, above and below the crossing, which they did with fine effect.

“IRA WESTOVER, *Adjutant.*”

For this action Westover and his men were formally thanked by the general council in resolutions adopted December 1.

CHAPTER XIX

THE MATAMORAS EXPEDITION AND THE QUARREL BETWEEN THE GOVERNOR AND THE GENERAL COUNCIL

Before the capture of San Antonio suggestions were already being offered for carrying the war into Mexico, for the purpose, in the first place, of diverting Santa Anna's invasion from Texas, and, in the second place, of uniting with the Liberals who were opposing the government there. On November 13, Dr. James Grant made to General Austin a report on conditions in the interior which furnished a basis for this policy. Writing from Goliad, he said:

"DEAR SIR: In compliance with your request, I give you a few hints on the present state of the interior.

"Alvarez, instead of agreeing as was reported to an armistice, has commenced operations in the south, with redoubled vigor, and taken the strong port of Acapulco. The importance of this point is heightened by the revenue of the port, which the government can ill spare, and which will assist materially in supporting the troops of Alvarez.

"Guzman and Montenegro have an army of 2100 liberals in the state of Guadalajara, and must, by this time, have driven the central troops and the centralists out of that territory.

"The state of Puebla, with the governor at its head, has refused to publish the law of centralism; and by last accounts, it appears that the citizens were arming *en masse* to defend their liberties and rights.

"The state of Morelia, formerly Valladolid, has protested, in the strongest terms, against a change of system, were arming their 'milicia civica,' and had a respectable body of liberal troops in the southern part of the state, prepared for the field.

"The inhabitants of Oajaca have made a noble and vigorous protest against the usurping government and aristocratic party; and it is understood that they were prepared to defend their opinions and rights by arms, as soon as the central law had reached them.

"Zacatecas is oppressed, but ready to take advantage of the first opportunity to revenge her wrongs.

"Durgano is also ready, as soon as she can hope for assistance. Tamaulipas and Neuvo Leon will rise the moment an attack is made on Matamoras; and San Luis Potosi will instantly follow.

"The central government is sadly distressed for funds to carry on their despotic dispositions; and if one or two of their ports are taken, they will have to yield without striking a blow. Their army is scattered, and cannot be united with safety. A number of liberals and able officers are devoted to the cause of liberty; and when the

work with one gun, and a furnace for heating shot. About midway of this plaza, north boundary, was a redoubt with three guns. The church is situated about the center of the two plazas. The priest's house in the northern boundary is nearly opposite to the church. The Navarro house on the same line further west. The Zambrano Row is in the street entering the Military Plaza at its northwest angle.

From the foregoing, an idea may be formed of the strength of the town, and the work the Texans had before them. The Old Mill, the encampment of the Texas army, was eight hundred or a thousand yards north of the town and Alamo. We will now return to the assailing parties and follow them into town.

While we were engaged in town, Cos ordered out a squadron of his cavalry to attack General Burleson's camp. The attack was met and repulsed by a few rounds of canister and round shot from a six pounder. For full particulars and result, see the subjoined report by General Burleson to the government.

The first division did not enter the town quite as soon as the second, on account of having to march a greater distance; however, there was not more than five minutes difference of time in their arrival.

Colonel James C. Neill was ordered, with one gun and a suitable force, to cross the San Antonio river before day and take a position, within range, and open a brisk fire on the Alamo, and thereby create a diversion in favor of the assaulting columns, and then return to camp.

The second division on its march, near the town, was fired on by the enemy's picket; the shot was returned by our guard, Smith, though contrary to orders, and wounded the guard. With this interruption only we entered and took possession of the Veramendi house, and without a shot from the enemy. This house formed an L or two sides of a square, the other two sides of stone or adobe, pickets, and earth thrown up. The De la Garza house is a large building, but without any enclosure. It is proper to say that these, and all the better houses of the town, have very thick walls—proof against small arms and light artillery.

The second division had barely time to make proper disposition of the several companies when the town and Alamo opened upon it with artillery and small arms which were soon after directed against the first division also. The first of the enemy was so heavy that we could do but little more than strengthen our outer walls, secure the doors and windows with timber and sand-bags, cut loop-holes in the walls of the building, and use our rifles whenever a Mexican showed himself. The Mexican houses have flat roofs and, generally, a parapet of some two or more feet above the roof. Believing this house to be no exception, a small detachment of men ascended to the roof by means of a ladder. However, on getting up they found the parapet wall too low to afford any protection. Most of the men were wounded, and we had to break a hole in the roof and let the men down by means of a rope, into one of the rooms below. The enemy kept up a pretty constant fire during the day and night. Our casualties were one man killed and some half dozen wounded, among them Colonel James Grant. In the first division there were but three or four wounded, among whom was

Thomas William Ward, of the artillery. One of the two pieces—a twelve pounder—was dismounted by a shot of the enemy, and the other was but little used for want of cover.

Night having come on, we collected all the mining tools we had—one shovel, two crow-bars, and one pick—and having prepared sand-bags during the day, made details of men to open a communication between the two divisions. This, however, was a work of both time and labor on account of our want of tools, and was not completed until the second night. General Burleson visited the second division at night of the first day, and brought with him the first beef that we had had since leaving camp. Colonel Johnson crossed over to the first division and reported success and casualties to Colonel Milam. The troops of both divisions were not only cheerful but enthusiastic.

The second day, we further strengthened our lines, and opened a more effective force against the enemy as our lines were now well covered. We also took two advanced positions, one in front, and the other in advance of and on the right flank of the first division. The first was effected by Henry Carnes, who, crow-bar in hand, broke down the door, and was soon followed by the whole company—Captain York's—the second was effected by Lieutenant McDonald, of Captain Crane's company, with a few followers, who took possession of a strong house, and held it. Having got our artillery under cover, we opened a well directed fire on the town. Our casualties were three privates severely wounded, and two slightly. Fortunately for us, the house occupied by the second division contained a considerable quantity of dry goods, which we found useful in converting into sand-bags.

On the morning of the third day, at daylight, it was discovered that the enemy had thrown up an embankment on the Alamo side of the river, and opposite our left flank, from which they opened a brisk fire of small arms, which was seconded by the guns of the Alamo; however, they were soon silenced by our rifles and driven from their position. It was on this day, instead of the second, that Carnes found the house in front and in advance of the first division.

The enemy during the night of the second had strengthened a house situated on the street leading from the town to the Alamo, and in front of the second division, from which they opened in the morning a brisk fire of artillery and small arms. The second division had from the first suffered most from this house. However, our six pounder was brought over from the first division, placed in battery, and opened fire on the Mexican house in front. This fire, together with that of our rifle men, soon caused the enemy to withdraw their artillery, and the fire from their small arms slackened.

In the morning the enemy opened a heavy fire from all their positions that would bear upon us, and at half past three o'clock, as our gallant commander, Colonel Milam, had entered the yard of the house occupied by the second division, he received a rifle shot in the head, which caused his instant death. The death of this gallant leader cast a gloom over the entire command. Our casualties, otherwise, were two privates, slightly wounded.

Benjamin R. Milam, whose name will and ought ever to be held in grateful and honored remembrance by Texans, was born of humble par-

ents in the state of Kentucky, and received but an imperfect education. He was six feet high, of fine form and commanding appearance. "Endowed by nature with a strength of mind and spirit of enterprise almost peculiar to the inhabitants of the Western States," fortified by habits of independence, he associated with the Indian tribes, in order to explore the more southerly portions of Texas. In the war with Great Britain, in 1812-15, he acquired a high reputation among his countrymen; but, dissatisfied with the prospects there before him, at the close of the war, he engaged in the struggle then going on in Mexico for independence, and soon distinguished himself by his courage, zeal, and love of freedom. Opposed to the usurpation of Iturbide, he was arrested and imprisoned; but subsequently released in consequence of a pronunciamiento for a Republic. He assisted in the expulsion of Iturbide. He obtained, in 1828, a colonization contract. Escaping from Monterey, where he had been imprisoned with Governor Viesca and others, in 1835, he made his way to Texas. He had crossed the San Antonio river near Goliad. Faint and tired, he took shelter in a bunch of bushes. The approach of Captain Collinsworth's company attracted his attention. Naturally supposing them to be a squad of Mexican soldiers, he determined to defend himself to the death. To his astonishment and joy, the advancing force proved to be his fellow-colonists of Texas, who were marching against Goliad. He, at once, decided to join the volunteers as a private, although accustomed and well qualified to command. He was among the foremost in the assault. He remained a few days after the capture of the fort, and then joined the army of General Austin near San Antonio.

When killed, the Masonic fraternity, then present, took charge of his body, and, with a proper detail of troops, he was buried in the yard—east side—of the Veramendi house, with military honors. His remains were subsequently disinterred and deposited in the old burying ground west of the town, with appropriate Masonic and military honor.

At a meeting of the officers of both divisions, at 7 o'clock P. M., Colonel F. W. Johnson was unanimously chosen commander of the assaulting force.

The fourth day was wet and cold, with but little firing on either side. Early in the day, the companies holding the Navarro house, aided by the Grays, advanced and took position on the Zambrano Row, which led to the Military Square. Our brave boys fought their way from house to house, cutting loop-holes through the walls, and thereby drove the enemy from house to house, disputing every inch of ground, and seconded by a heavy fire of artillery and musketry. After suffering a severe loss in officers and men they evacuated the whole row and their position in the square. A more daring or desperate fight is not to be found in the history of wars. This gave the detachment command of the Military Square, an important point gained. This important advanced position was reinforced by Captains Swisher, Ally, Edwards, and Duncan's companies. The casualties of the day were one captain severely wounded (Captain Peacock, who subsequently died) and two privates.

Notwithstanding the vigilance of the scouts kept out, we received undoubted information of the arrival of reinforcements to the enemy,

under Colonel Ugartechea. Near midnight the Captain of the Grays and Captain Patton, of the Brazoria volunteers, were ordered to storm and carry the priest's house, a strong position on the north side, and near the northeast angle, of the civil square. They were exposed to the fire of a battery of three guns and a large number of musketeers. Indeed, so near did they pass under the guns of the wall enclosing the yard of the house, and which had been pierced for musketry, that many of the men had their whiskers and hair burnt by the blaze of the guns, but they advanced steadily and soon carried the position, which gave us command of both squares.

Before ordering the assault, however, we had been reinforced from the reserve by Captains Cheshire, Lewis and Sutherland's companies.

Immediately after taking the priest's house, the enemy opened an incessant fire of artillery and small arms against every house in our possession and every part of our lines, which they kept up until near daylight of the fifth day. Immediately after daylight it was discovered that the enemy had hauled down his flag, and hoisted in its stead a white flag. Soon after a bearer of a flag of truce was brought to the headquarters of Colonel Johnson, and declared the desire of General Cos to capitulate. Commissioners were immediately appointed by both commanders. Colonel Johnson, in the meantime, sent a despatch to General Burleson informing him of the agreement of capitulation and desired that he would visit the town immediately.

Our loss in this daring, hazardous, midnight assault, strange and miraculous as it is, was only one man—Beden of the New Orleans Grays, dangerously wounded in the eye in attempting to spike a gun.

Herewith is subjoined the report of General Burleson:

“BEXAR, December 14th, 1835.

“*To His Excellency Henry Smith, Provisional Governor of Texas:*

“SIR: I have the satisfaction to enclose a copy of Colonel Johnson's account of the storming and surrender of San Antonio de Bexar, to which I have little to add that can in any way increase the luster of this brilliant achievement to the Federal arms of the volunteer army under my command; and which will, I trust, prove the downfall of the last position of military despotism on our soil of freedom.

“At three o'clock on the morning of the 5th instant, Col. Neill, with a piece of artillery, protected by Capt. Roberts and his company, was sent across the river to attack, at five o'clock, the Alamo, on the north side, to draw the attention of the enemy from the advance of the division which had to attack the suburbs of the town, under Colonels Milam and Johnson. This service was effected to my entire satisfaction; and the party returned to camp at nine o'clock a. m.

“On the advance of the attacking division, I formed all the reserve, with the exception of the guard necessary to protect the camp, at the Old Mill position, and held myself in readiness to advance, in case of necessity, to assist when required; and shortly afterwards passed into the suburbs to reconnoitre, where I found all going on prosperously, and retired with the reserve to the camp. Several parties were sent out mounted, under Capts. Cheshire, Coleman and Roberts, to scour the country, and endeavor to intercept Ugartechea, who was expected, and

loan of three thousand dollars at not more than ten per cent interest; and "to appoint such special agent or agents under him as he shall deem necessary to carry into effect the object of these resolutions, and to delegate to such special agent or agents such powers in writing as he may think proper and not inconsistent with the powers of his own agency." Section 4 of the resolutions provided that the volunteers should, when mobilized, elect their own commander and other officers; but section 5 resolved, "that after the agent of the Government aforesaid, J. W. Fannin, shall have so raised, collected, and concentrated the said volunteer troops, that he shall make a descent upon Matamoras, if he deems it practicable to take said place, or such other point or place, as the said agent may deem proper."

At this juncture Johnson changed his mind and decided to lead the volunteers already on the march from Bexar to Goliad, and on January 14, the council sanctioned this movement: "Your committee therefore advise that Colonel Johnson have the approbation of this Government to conduct the volunteers who have entered upon the expedition to Matamoras . . . and that he proceed to unite with J. W. Fannin, the government agent, appointed by resolutions of the House, duly passed and adopted. And that when said volunteers are all concentrated, as directed by the resolutions appointing J. W. Fannin, agent, &c., a commander of the whole body be elected under the existing laws. Before which juncture, Col. Johnson should be authorized to hold an election by the volunteers from Bexar, of all the requisite officers, and have the same properly certified and reported to the General Council. And also that an election in the same manner be had, by J. W. Fannin, of the other volunteers, when assembled and in like manner reported. And that all the candidates so certified, as elected, shall be forthwith commissioned agreeably to law. . . .

"Resolved, that nothing contained in the foregoing report and resolution shall be so taken as to interfere with the agency granted to J. W. Fannin by the Provisional Government heretofore."

Before the passage of these resolutions both Fannin and Johnson had begun operations to enlist volunteers. On January 8, Fannin issued the proclamation below, which ran for several weeks in *The Texas Republican*:

"ATTENTION VOLUNTEERS

"To the West, face: March!

"An expedition to the west has been ordered by the general council, and the volunteers from Bexar, Goliad, Velasco, and elsewhere, are ordered to rendezvous at San Patricio, between the 24th and 27th inst., and report to the officer in command. The fleet convoy will sail from Velasco under my charge on or about the 18th, and all who feel disposed to join it and aid in keeping the war out of Texas, and at the same time crippling the enemy in their resources at home, are invited to enter the ranks forthwith.

"J. W. FANNIN, JR."

And Johnson issued the following proclamation on January 10:

"PROCLAMATION OF THE FEDERAL VOLUNTEER ARMY OF TEXAS.

"The Federal Volunteer army of Texas, the victors of San Antonio, then and now under the command of Francis W. Johnson, through him address themselves to the friends of Texas and of liberty.

"Under sanction of the general council of Texas, they have taken up the line of march for the country west of the Rio Grande. They march under the flag 1. 8. 2. 4., as proclaimed by the government of Texas, and have for their object the restoration of the principles of the constitution, and the extermination of the last vestige of despotism from the Mexican soil. Texas herself, free from military rule, yet hears on her borders the insolent tone of the tyrant's myrmidons, yet hears the groans of her oppressed Mexican friends, and their call for assistance. Her volunteer army will answer that call; and with a determination to aid and assist them in reestablishing their constitution and their liberty, they march to victory or the grave. They invite into their ranks all friends to freedom, of whatever name or nation. They invite them to unite in establishing on a firm and solid foundation, on Mexican soil, the banners of Morales and Hidalgo, inscribed with their own national mottoes. Uninfluenced by views of individual interest, they desire that all true friends shall participate in the glory. Their names will be remembered in the bright pages of the historian, and in the ballad and song of the liberal Mexicans.

"To arms! then, Americans, to aid in sustaining the principles of 1776, in this western hemisphere. To arms! native Mexicans, in driving tyranny from your homes, intolerance from your altars, and the tyrant from your country. In this very hour the crowned despots of Europe have met in unholy conclave, to devise the means of crushing liberal principles. Louis Philippe of France, faithless to his oath, now sits side by side with the monarchs of Russia, and Austria, and Prussia, and Spain, and the minister of Santa Anna is seen among them. Before this it is more than probable that the freedom of Mexicans has been sold to the tyrants, and that European force is to sustain the diadem on the head of the traitor Santa Anna. Not only Texas and Mexicans, but the genius of liberty, demands that every man do his duty to his country, and leave the consequences to God. Our first attack will be upon the enemy at Matamoras; our next, if Heaven decrees, wherever tyranny shall raise its malignant form. Between the 25th and 30th inst., it is expected the whole of the volunteer army of Texas will take up the line of march from San Patricio.

"F. W. JOHNSON.

"SAN FELIPE DE AUSTIN, Jan. 10th, 1836."

The action of the Council in authorizing Fannin and Johnson to lead the Matamoras expedition precipitated the outbreak of a bitter quarrel with Governor Smith, between whom and the council ill feeling had been developing for several weeks. On January 6, the Governor ordered General Houston to the west, to direct the movement of the troops there; and several days later, on receipt of a report from Lieutenant Colonel J. C. Neill of the condition in which Johnson and Grant had left the garrison at Bexar, his wrath burst forth. Neill wrote:

"COMMANDANCY OF BEXAR, January 6, 1836.

"*To the Governor and Council, at San Felipe de Austin:*

"SIRS: It will be appalling to you to learn and see herewith enclosed our alarming weakness. But I have one pleasurable gratification which will not be erased from the tablet of my memory during natural life, viz.: that those whose names are herewith enclosed are, to a man, those who acted so gallantly in the ten weeks' open-field campaign, and then won an unparalleled victory in the five days' siege of this place. Such men in such a condition and under all the gloomy embarrassment surrounding, call aloud upon you and their country for aid, praise, and sympathy.

"We have 104 men and two distinct fortresses to garrison, and about twenty-four pieces of artillery. You, doubtless, have learned that we have no provisions or clothing since Johnson and Grant left. If there has ever been a dollar here, I have no knowledge of it. The clothing sent here by the aid and patriotic exertions of the honorable council was taken from us by the arbitrary measures of Johnson and Grant, taken from men who endured all the hardships of winter and who were not even sufficiently clad for summer, many of them having but one blanket and one shirt, and what was intended for them given away to men, some of whom had not been in the army more than four days, and many not exceeding two weeks. If a divide had been made of them, the most needy of my men could have been made comfortable by the stocks of clothing and provisions taken from here.

"About two hundred of the men who had volunteered to garrison this town for four months left my command contrary to my orders and thereby vitiated the policy of their enlistment.

"I want here, for this garrison, at all times 200 men, and I think 300 men, until the repairs and improvement of fortifications are completed. * * *

"Yr. obt. servant,

"J. C. NEILL,

"*Lt.-Col. Commanding.*"

This letter reached the governor on Saturday, January 9, and he requested the president of the council, Lieutenant-Governor Robinson, to call a secret session of the council on Sunday to consider it. To this session the governor presented the report with the following violent message:

"SAN FELIPE, Jan. 9th, 1836.

"*Gentlemen of the Council:*

"I herewith transmit to your body the returns and correspondence of Colonel Neill, lieutenant-colonel-commandant of the post of Bexar. You will in that correspondence find the situation of that garrison. You will there find a detail of facts calculated to call forth the indignant feelings of every honest man. Can your body say that they have not been cognizant of, and connived at, this predatory expedition? Are you not daily holding conference, and planning coöperation, both by sea and land? Acts speak louder than words. They are now before me, authorizing the appointment of a generalissimo with plenary powers to plan expeditions on the faith, the credit, and, I may

justly say, to the ruin of the country. You urge me by resolutions to make appointments to fit out vessels as government vessels—registering them as such, appointing landsmen to command a naval expedition, by making representations urgent in their nature, and for what? I see no reason but to carry into effect, by the hurried and improvident acts of my department your favorite object, by getting my sanction to an act disorganizing in its nature and ruinous in its effects. Instead of acting as becomes the councillors and guardians of a free people, you resolve yourselves into intriguing, caucussing parties; pass resolutions without a quorum, predicated on false premises; and endeavor to ruin the country by countenancing, aiding and abetting parties; and, if you could only deceive me enough, you would join with it a piratical coöperation. You have acted in bad faith, and seem determined by your acts to destroy the very institutions which you are pledged and sworn to support. I have been placed on the political watch tower. I feel the weight of responsibility devolving upon me, and confidently hope I will be able to prove a faithful sentinel. You have also been posted as sentinels, but you have permitted the enemy to cross your lines; and, Mexican-like, are ready to sacrifice your country at the shrine of plunder. Mr. President, I speak collectively, as you all form one whole, though, at the same time, I do not mean all. I know you have honest men there, and of sterling worth and integrity; but, you have Judases in the camp—corruption, base corruption, has crept into your councils—men who, if possible, would deceive their God. Notwithstanding their deep laid plans and intrigues, I have not been asleep. They have long since been anticipated, forestalled, and counteracted. They will find themselves circumvented on every tack. I am now tired of watching scoundrels abroad and scoundrels at home, and on such I am now prepared to drop the curtain. . . .

“Look around upon your flock. Your discernment will easily detect the scoundrels. The complaints, contraction of the eyes, the gape of the mouth, the vacant stare, the hung head, the restless, fidgety disposition; the sneaking sycophantic look, a natural meanness of countenance, an unguarded shrug of the shoulders, a sympathetic tickling and contraction of the muscles of the neck, anticipating the rope, a restless uneasiness to adjourn, dreading to face the storm themselves have raised.

“Let the honest and indignant part of your council drive the wolves out of the fold, for by low intrigues and management they have been imposed upon and duped into gross errors and palpable absurdities. Some of them have been thrown out of folds, equally sacred and should be denied the society of civilized man.

“They are parricides, piercing their devoted country, already bleeding at every pore. But, thanks be to my God, there is balm in Texas and a physician near. Our agents have gone abroad. Our army has been organized. Our general is in the field. A convention has been called which will afford a sovereign remedy to the vile machinations of a caucussing, intriguing, and corrupt council. I now tell you that the course here pointed out shall be rigidly and strictly pursued, and that unless your body will make the necessary acknowledgment to the world of your error, and forthwith proceed, and with the same facility and publicity (by issuing a circular, and furnish-

ing expenses to give circulation and publicity in a manner calculated to counteract its baleful effects), that after twelve o'clock on tomorrow all communications between the two departments shall cease; and your body will stand adjourned until the first of March next, unless, from the emergencies of the country, you should be convened by proclamation at an earlier period.

"I consider, as the devisers of ways and means, you have done all contemplated by the organic law; that your services are no longer needed, and until the convention meets I will continue to discharge my duties as commander-in-chief of the army and navy, and see that the laws are executed.

"The foregoing you will receive as notice from my department, which will be rigidly carried into effect. You are further notified that audience will not be given to any member or special committee other than in writing. I will immediately proceed to publish all the correspondence between the two departments, by proclamation to the world, and assign the reasons why I have pursued this course, and the causes which have compelled me to do it.

"Your obedient servant,

"HENRY SMITH."

This message was referred to a committee consisting of R. R. Royall, Alexander Thompson, Claiborne West, J. D. Clements, and John McMullen, which the next day characterized it as "low, blackguardly and vindictive, and every way unworthy of, and disgraceful to the office whence it emanated, and as an outrageous libel on the body to whom it is addressed." The council then adopted a series of resolutions presented by the committee, the third of which "Resolved that Henry Smith, Governor of the Provisional Government of Texas, be ordered forthwith to cease the functions of his office, and be held to answer to the General Council upon certain charges and specifications preferred against him, agreeably to the provisions of the fourth section of the Federal Constitution of Mexico of 1824; and the eleventh section of the organic law of the Provisional Government of Texas, as adopted in convention on the thirteenth day of November, A. D., 1835, and that a copy of said charges and specifications be furnished to the Governor, Henry Smith, within twenty-four hours from this time." Lieutenant-governor Robinson was recognized as acting governor, and a committee was appointed to draft an address to the people of the state explaining the causes of the unfortunate rupture. This was issued and spread on the journal on January 12, together with a long indictment to which Smith was invited to respond.

By this time Smith's anger had somewhat calmed and he presented an apologetic message on the 12th offering to "let by-gones be by-gones," if the council would correct its errors.

"EXECUTIVE DEPARTMENT OF TEXAS.

"To the Honorable, the President, and Members of the Legislative Council:

"GENTLEMEN: The communication sent to your body on the tenth inst. in which I used much asperity of language, which I considered at

the time was called for from me; owing to what I deemed improvident acts of your body, in which I considered much intrigue and duplicity had been used which was in their nature and tendency calculated to breed confusion and greatly injure the public good. Among other things the appointment of Colonel Fannin, was one which deemed unwarranted by law and of injurious tendency. If the act of your body was ratified by me, it is plain and evident, that neither the Commander-in-Chief, the Council, nor the Executive, could have any control over him. I therefore deemed it a gross insult offered by the Council to my Department, and one which I was not willing to overlook. I admit that I repelled it with a keenness and asperity of language beyond the rules of decorum; because I believed it was certainly intended as an insult direct. If, therefore, your body should think proper to acknowledge their error by an immediate correction of it, which I consider would only be their reasonable duty, all differences between the two Departments should cease; and so far as I am concerned be forever buried in oblivion, and that friendly and harmonious intercourse resumed which should ever exist between the different branches of the Government. I suggest and solicit this from the purest motives, believing the public good would thereby be advanced. Believing that the rules of Christian charity require of us to bear and forbear, and as far as possible to overlook the errors and foibles of each other. In this case I may not have exercised towards your body that degree of forbearance which was probably your due. If so, I have been laboring under error, and, as such, hope you will have the magnanimity to extend it to me. And the two branches again harmonize to the promotion of the true interests of the country.

"I am respectfully gentlemen, Yours &c,

"HENRY SMITH, *Governor.*"

To this overture the council replied:

"That this Council has received the communication in the spirit of compromise, at too late a period to be met by that spirit of accommodation offered and urged a short time since.

"Resolved, That as the slanderous communication of Henry Smith, late Governor of Texas, has been acted upon and is now before the public, this Council cannot, in justice to their constituents and themselves, do otherwise than lay before the people all the facts connected with that unfortunate transaction, and the motive by which this Council was actuated, and the circumstances which compel them to adopt this course.

"Resolved, That the communication alluded to, be returned, together with a copy of the charges and specifications preferred against the said Henry Smith, late Governor aforesaid, for malfeasance and misconduct in office, and that he be notified to reply within three days, or that the trial will proceed thereon, before the General Council ex parte.

"J. D. CLEMENTS, *Chairman,*

"R. R. ROYALL."

The governor declared that he felt able to defend his action before the convention which would meet on March 1, and in conclusion said:

"What I have done, however bad you may view it, has been done for the best of reasons, and from the purest motives. I care not for popularity, and seek alone the public good. And if the course I have pursued, so condemned by you, should bring down the odium and contempt of the whole community, and at the same time be the means of saving the character, the credit, and finally, redeem the country, I say to you, in the sincerity of truth, that it is a sacrifice I willingly make at the shrine of the public good."

On January 18, five days after the receipt of this last communication from Governor Smith, the journal reveals the lack of a quorum in the council, and from then until the council was superseded by the convention of March 1 this condition continued unchanged. The effect of the quarrel therefore was to dissolve the provisional government.

At the same time the expedition to Matamoras had come to naught. General Houston told the volunteers at Goliad and Refugio that the expedition was unauthorized, and several companies thereupon withdrew from Johnson and Grant, who, with about a hundred men, marched to San Patricio to await Fannin. Before Fannin could complete his preparations Santa Anna's forces were advancing into Texas, and it was realized that the time for a descent on Matamoras had passed. The further movements of these leaders will be described later.

In a long letter of January 30, General Houston made to Governor Smith an official report of his actions in connection with the expedition.

"WASHINGTON, January 30, 1836.

"To His Excellency, Henry Smith, Governor of Texas:

"SIR: I have the honor to report to you that in obedience to your order under date of the 6th instant, I left Washington on the 8th, and reached Goliad on the night of the 14th. On the morning of that day I met Capt. Dimmitt, on his return home with his command, who reported to me the fact that his caballada of horses, the most of them private property, had been pressed by Dr. Grant, who styled himself acting commander-in-chief of the Federal army, and that he had under his command about two hundred men. Capt. Dimmitt had been relieved by Captain P. S. Wyatt, of the volunteers from Huntsville, Alabama. I was also informed by Major Robert C. Morris that bread-stuff was wanted in camp, and he suggested his wish to move the volunteers further west. By express I had advised the stay of the troops at Goliad until I could reach that point.

"On my arrival at that post I found them destitute of many supplies necessary to their comfort on a campaign. An express reached me from Lieutenant-Colonel Neill, of Bexar, of an expected attack from the enemy in force. I immediately requested Colonel James Bowie to march with a detachment of volunteers to his relief. He met the request with his usual promptitude and manliness. This intelligence I forwarded to your Excellency for the action of the government. With a hope that supplies had or would immediately reach the port of Copano, I ordered the troops, through Major R. C. Morris, to

proceed to Refugio Mission, where it was reported there would be an abundance of beef—leaving Capt. Wyatt and his command, for the present, in possession of Goliad, or until he could be relieved by a detachment of regulars under the command of Lieutenant Thornton, and some recruits that had been enlisted by Captain Ira Westover. On the arrival of the troops at Refugio, I ascertained that no breadstuffs could be obtained, nor was there any intelligence of supplies reaching Copano, agreeably to my expectations, and in accordance with my orders of the 30th of December and 6th of January, inst., directing the landing and concentrating all the volunteers at Copano. I had already advised Colonel Almanzon Huston, the Quartermaster-General, to forward the supplies he might obtain at New Orleans to the same point. Not meeting the command of Major Ward, as I had hoped from the early advice I had sent him, by Major Geo. W. Poe, I determined to await his arrival and the command of Captain Wyatt. With a view to be in a state of readiness to march to the scene of active operations the first moment that my force and the supplies necessary should reach me, I ordered Lieutenant Thornton, with his command (total twenty-nine) to Goliad to relieve Captain Wyatt; at the same time ordering the latter to join the volunteers at Refugio. I found much difficulty in prevailing on the regulars to march until they had received either money or clothing; and their situation was truly destitute. Had I not succeeded, the station at Goliad must have been left without any defense, and abandoned to the enemy, whatever importance its occupation may be to the security of the frontier. Should Bexar remain a military post, Goliad must be maintained, or the former will be cut off from all supplies arriving by sea at the port of Copano.

“On the evening of the 20th, F. W. Johnson, Esq., arrived at Refugio, and it was understood that he was empowered by the General Council of Texas to interfere in my command. On the 21st and previous to receiving notice of his arrival, I issued an order to organize the troops so soon as they might arrive at that place, agreeably to the ‘ordinance for raising an auxiliary corps’ to the army. A copy of the order I have the honor to inclose herewith. Mr. Johnson then called on me, previous to the circulation of the order, and showed me the resolutions of the General Council, dated 14th of January, a copy of which I forwarded for the perusal of your Excellency.

“So soon as I was made acquainted with the nature of his mission, and the powers granted to J. W. Fannin, Jr., I could not remain mistaken as to the object of the council, or the wishes of the individuals. I had but one course left for me to pursue (the report of your being deposed had also reached me), which was to return and report myself to you in person—inasmuch as the objects intended by your order were, by the extraordinary conduct of the council, rendered useless to the country; and, by remaining with the army, the council would have had the pleasure of ascribing to me the evils which their own conduct and acts will, in all probability, produce. I consider the acts of the council calculated to protract the war for years to come; and the field which they have opened to insubordination and to agencies without limit (unknown to military usage) will cost the country more useless expenditure than the necessary expense of the whole war would have

been, had they not transcended their proper duties. Without integrity of purpose and well devised measures, our whole frontier must be exposed to the enemy. All the available resources of Texas are directed, through special as well as general agencies, against Matamoras; and must in all probability, prove as unavailing to the interests as they will to the honor of Texas. The regulars at Goliad cannot long be detained at that station unless they should get supplies, and now all the resources of Texas are placed in the hands of agents unknown to the government in its formation, and existing by the mere will of the council; and will leave all other objects, necessary for the defence of the country, neglected for the want of means, until the meeting of the convention in March next.

"It was my wish, if it had been possible, to avoid for the present the expression of any opinion which might be suppressed in the present crisis. But since I reported to your Excellency, having the leisure to peruse all the documents of a controversial nature growing out of the relative duties of yourself and the general council to the people of Texas, a resolution of the council requiring of me an act of insubordination and disobedience to your orders, demands of me that I should inquire into the nature of that authority which would stimulate me to an act of treason or an attempt to subvert the government which I have sworn to support. The only constitution which Texas has is the organic law. Then any violation of that law, which would destroy the basis of government, must be treason. Has treason been committed? If so, by whom and for what purpose? The history of the last few weeks will be the best answer that can be rendered.

"After the capitulation of Bexar, it was understood at headquarters that there was much discontent among the troops then at that point, and that it might be necessary to employ them in some active enterprise, or the force would dissolve. With this information was suggested the expediency of an attack on Matamoras. For the purpose of improving whatever advantages might have been gained at Bexar, I applied to your Excellency for orders, which I obtained, directing the adoption of such measures as might be deemed best for the protection of the frontier and the reduction of Matamoras. This order was dated 17th of December, and on the same day I wrote to Colonel James Bowie, directing him, in the event that he could obtain a sufficient number of volunteers for the purpose, to make a descent on Matamoras; and, if his force would not justify that measure, he was directed to occupy the most advanced post, so as to check the enemy, and by all means to place himself in a position to command Copano. Col. Bowie did not receive the order. Having left Goliad for Bexar, he was not apprised of it until his arrival at San Felipe, about the 1st of January, inst. My reason for ordering Col. Bowie on the service was his familiar acquaintance with the country, as well as the nature of the population through which he must pass, as also their resources; and to this I freely add there is no man on whose forecast, prudence and valor I place a higher estimate than Col. Bowie.

"Previous to this time the General Council had adopted a resolution requiring the Governor to direct the removal of the headquarters of the army, and I had been ordered to Washington for their

establishment until further orders. I had been detained awaiting copies of the ordinances relative to the army. Their design was manifest, nor could their objects be misapprehended, though the extent to which they were carrying them was not then known. Messrs. Hanks and Clements (members of the council) were engaged in writing letters to individuals in Bexar, urging and authorizing a campaign against Matamoras, and, that their recommendations might bear the stamp of authority and mislead those who are unwilling to embark in an expedition not sanctioned by government and led by private individuals, they took the liberty of signing themselves members of the military committee; thereby deceiving the volunteers, and assuming a character which they could only use or employ in the General Council in proposing business for the action of that body. They could not be altogether ignorant of the impropriety of such conduct, but doubtless could easily find a solid justification in the bullion of their patriotism and the ore of their integrity. Be their motive whatever it might, many brave and honorable men were deluded by it, and the campaign was commenced upon Matamoras under Dr. Grant as acting commander-in-chief of the volunteer army—a title and designation unknown to the world. But the General Council, in their address of the people of Texas, dated January 11th, state that 'they never recognized in Dr. Grant any authority whatever as an officer of the government or army, at the time.' They will not, I presume, deny that they did acknowledge a draft or order drawn by him as acting commander-in-chief, amounting to \$750. But this they will doubtless justify on the ground that your Excellency commissioned General Burleson, and, of course, the appointment of Dr. Grant as his aide-de-camp, would authorize him to act in the absence of General Burleson. It is an established principle in all armies that a staff officer can claim no command in the line of the army, nor exercise any command in the absence of the general, unless he holds a commission in the line. In the absence of General Burleson, the senior colonel, in the absence of the colonel, the major, or in his absence the senior captain, would have the command; but in no event can the aide or staff officer, unless he holds a commission in the line of the army, have any command; and his existence must cease, unless he should be continued or reappointed by the officer of the line who succeeds to the command in the absence of his superior. When General Burleson left the army his aide had no command but the field officer next in rank to himself.

"Then who is Dr. Grant? Is he not a Scotchman who has resided in Mexico for the last ten years? Does he not own large possessions in the interior? Has he ever taken the oath to support the organic law? Is he not deeply interested in the hundred league claims of land which hang like a murky cloud over the people of Texas? Is he not the man who impressed the property of the people of Bexar? Is he not the man who took from Bexar without authority or knowledge of the government cannon and other munitions of war, together with supplies necessary for the troops at that station, leaving the wounded and sick destitute of needed comforts? Yet this is the man whose outrages and oppressions upon the rights of the people of Texas are

sustained and justified by the acts and conduct of the General Council.

"Several members of that body are aware that the interests and feelings of Dr. Grant are opposed to the independence and true interests of the people of Texas. While every facility has been offered to the meditated campaign against Matamoras, no aid has been rendered for raising a regular force for the defense of the country, nor one cent advanced to an officer or soldier of the regular army, but every hindrance thrown in the way. The council had no right to project a campaign against any point or place. It was the province of the governor, by his proper officers, to do so. The council has the right of consenting or objecting, but not of projecting. The means ought to be placed at the disposition of the governor, and if he, by himself or his officers, failed in their application, he would be responsible for the success of the armies of Texas, and could be held responsible to the government and punished; but what recourse has the country upon agents who have taken no oath and given no bond to comply with the powers granted by the council?

"The organic law declares, in article third, 'that the governor and general council shall have power to organize, reduce or increase the regular forces,' but it delegates no power to create army agents to supersede the commander-in-chief, as will be seen by reference to the second article of 'military' basis of that law. After declaring that there shall be a regular army for the protection of Texas during the present war, in the first article, it proceeds in the second to state the constitution of the army: 'The regular army of Texas shall consist of one major-general, who shall be commander-in-chief of all the forces called into public service during the war.' This, it will be remembered, is a law from which the council derived their power; and, of course all troops in service, since the adoption of this law, and all that have been accepted, or to be accepted, during my continuance in office, are under my command. Consequently the council could not create an agency that could assume any command of troops, so as to supersede my powers, without a plain and palpable violation of their oaths. New names given could not change the nature of their obligations; they had violated the organic law.

"I will now advert to an ordinance of their own body, entitled, 'An Ordinance and Decree to Organize and Establish an Auxiliary Volunteer Corps of the Army of Texas,' etc., passed December 5th, 1835. The ordinance throughout recognizes the competency of the governor and commander-in-chief as the only persons authorized to accept the services of volunteers and makes it their especial duty to do so. It also gives the discretion to the commander-in-chief to accept the services of volunteers for such term as 'he shall think the defense of the country and the good of service require.' It is specified that muster-rolls shall accompany the reports of the volunteers, and, when reported by the commander-in-chief to the governor, that commissions shall issue accordingly.

"Where elections take place in the volunteer corps, the ordinance declares that they shall be certified to the commander-in-chief, and by him forwarded to the governor. The third section of the law declares

that when controversies arise in relation to the rank of officers of the same grade, they shall be determined by drawing numbers, which shall be done by order of the commander-in-chief of the army. This law was enacted by the General Council, and they cannot allege that any misconstruction could arise out of it, for it plainly points out the duties of the governor and commander-in-chief as defined by themselves. Yet, without the repeal of this law, they have proceeded to appoint agents to exercise the very powers declared by them to belong to the governor and commander-in-chief. This they have done under the impression that a change of name would enable them to put down the governor and commander-in-chief, not subject to them for their places, but created by the consultation, and both of whom are as independent of the council as the council is of them—the commander-in-chief being subject to the organic law, and all laws conformable thereto, under the orders of the governor. I have obeyed the orders of your Excellency as promptly as they have met my knowledge; and had not the council, by acts as outrageous to my feelings as they are manifestly against law, adopted a course that must destroy all hopes of an army, I should yet have been on the frontier, and by all possible means would at least have sought to place it in a state of defense.

“It now becomes my duty to advert to the powers granted by the General Council to J. W. Fannin, Jr., on the 7th of January, 1836, and at a time when two members of the Military Committee, and other members of the council were advised that I had received orders from your Excellency to repair forthwith to the frontier of Texas, and to concentrate the troops for the very purpose avowed in the resolutions referred to. The powers are as clearly illegal as they were unnecessary. By reference to the resolution it will be perceived that the powers given to J. W. Fannin, Jr., are as comprehensive in their nature, and as much at variance with the organic law and the decrees of the General Council, as the decrees of the General Congress of Mexico are at variance with the Federal constitution of 1824, and really delegate to J. W. Fannin, Jr., as extensive powers as those conferred by that Congress upon General Santa Anna; yet the cant is kept up, even by J. W. Fannin, Jr., against the danger of a regular army, while he is exercising powers which he must be satisfied are in open violation of the organic law. J. W. Fannin, Jr., is a colonel in the regular army, and was sworn in and received his commission on the very day that the resolutions were adopted by the council. By his oath he was subject to the orders of the commander-in-chief, and as a subaltern could not, without an act of mutiny, interfere with the general command of the forces of Texas; yet I find in the Telegraph of the 9th inst. a proclamation of his, dated on the 8th, addressed, ‘Attention, Volunteers!’ and requiring them to rendezvous at San Patricio. No official character is pretended by him, as his signature is private. This he did with the knowledge that I had ordered the troops from the mouth of the Brazos to Copano, and had repaired to that point to concentrate them. On the 10th inst. F. W. Johnson issued a similar proclamation, announcing Matamoros as the point of attack. The powers of these gentlemen were derived, if derived at all, from the General Council in opposition to the will of the Governor, because certain

purposes were to be answered, or the safety and harmony of Texas should be destroyed.

"Col. Fannin, in a letter addressed to the General Council dated on the 21st of January, at Velasco, and to which he subscribes himself, 'J. W. Fannin, Jr., Agent Provisional Government,' when speaking of anticipating difficulties with the commander-in-chief, allays the fears of the council by assuring them, 'I shall never make any myself,' and then adds: 'The object in view will be the governing principle, and should General Houston be ready and willing to take command, and march direct ahead, and execute your orders, and the volunteers to submit to it, or a reasonable part of them, I shall not say nay, but will do all in my power to produce harmony.'

"How was I to become acquainted with the orders of the council? Was it through my subaltern? It must have been so designed, as the council have not, up to the present moment, given me official notice of the orders to which Colonel Fannin refers. This modesty and subordination on his part is truly commendable in a subaltern, and would imply that he had a right to say 'nay.' If he has this power, whence is it derived? Not from any law, and contrary to his sworn duty as my subaltern, whose duty is obedience to my lawful commands, agreeably to the rules and regulations of the United States army, adopted by the consultation of all Texas. If he accepted any appointment incompatible with his obligation as a colonel in the regular army, it certainly increases his moral responsibilities to an extent which is truly to be regretted.

"In another paragraph of his letter he states: 'You will allow that we have too much division, and one cause of complaint is this very expedition, and that it is intended to remove General Houston.'

"He then assures the council that no blame shall attach to him, but most dutifully says: 'I will go where you have sent me, and will do what you have ordered me, if possible.' The order of the council, as set forth in the resolutions appointing Col. Fannin agent, and authorizing him to appoint as many agents as he might think proper, did most certainly place him above the governor and commander-in-chief of the army. Nor is he responsible to the council or the people of Texas. He is required to report but he is not required to obey the council. His powers are as unlimited and absolute as Cromwell's ever were. I regard the expedition, as now ordered, as an individual and not a national measure. The resolutions passed in favor of J. W. Fannin, Jr., and F. W. Johnson, and their proclamations, with its original start—Dr. Grant—absolve the country from all responsibility for its consequences. If I had any doubt on the subject previous to having seen at Goliad a proclamation of J. W. Fannin, Jr., sent by him to the volunteers, I could no longer entertain one as to the campaign so far as certain persons are interested in forwarding it. After appealing to the volunteers, he concluded with the assurance 'that the troops should be paid out of the first spoils taken from the enemy.' This, in my opinion, connected with the extraordinary powers granted him by the council, divests the campaign of any character save that of a piratical or predatory war.

"The people of Texas have declared to the world that the war in

which they are now engaged is a war of principle, in defense of their civil and political rights. What effect will the declaration, above referred to, have on the civilized world—when they learn that the individual who made it has since been clothed with absolute powers by the General Council of Texas, and that, because you (as governor and commander-in-chief), refuse to ratify their acts, they have declared you no longer governor of Texas. It was stated by way of inducement to the advance on Matamoras, that the citizens of that place were friendly to the advance of the troops of Texas upon that city. They, no doubt, ere this, have J. W. Fannin's proclamation (though it was in manuscript), and, if originally true, what will now be their feelings towards men, who 'are to be paid out of the first spoils taken from the enemy.' The idea which must present itself to the enemy, will be if the city is taken it will be given up to pillage, and when the spoils are collected, a division will take place. In war, when spoil is the object, friends and enemies share one common destiny. This rule will govern the citizens of Matamoras in their conclusions and render their resistance desperate. A city containing twelve thousand inhabitants will not be taken by a handful of men who have marched twenty-days without breadstuffs or necessary supplies for an army.

"If there ever was a time when Matamoras could have been taken by a few men, that time has passed by. The people of that place are not aware of the honorable, high-minded men who fill the ranks of the Texian army. They will look upon them as they would upon Mexican mercenaries, and resist them as such. They too will hear of the impressment of the property of the citizens of Bexar, as reported to your Excellency, by Lieutenant-Colonel Neill, when Dr. Grant left that place for Matamoras in command of the volunteer army.

"If the troops advance on Matamoras there ought to be co-operation by sea with the land forces, or all will be lost, and the brave men who have come to toil with us in our marches and mingle in our battles for liberty, will fall a sacrifice to the selfishness of some who have individual purposes to answer, and whose influence with the council has been such as to impose upon the honest part of its members; while others, who were otherwise, availed themselves of every artifice which they could devise to shield themselves from detection.

"The evil is now done, and I trust sincerely that the first of March may establish a government on some permanent foundation, where honest functionaries will regard and execute the known and established laws of the country, agreeably to their oaths. If this state of things cannot be achieved, the country must be lost. I feel, in the state which I hold, that every effort of the council has been to mortify me individually, and, if possible, to compel me to do some act which would enable them to pursue the same measures towards me which they have illegally done towards your Excellency, and thereby remove another obstacle to the accomplishments of their plans. In their attempts to embarrass me they were reckless of all prejudice which might result to the public service from their lawless course.

"While the council was passing her resolutions affecting the army of Texas, and transferring to J. W. Fannin, Jr., and F. W. Johnson, the whole control of the army and resources of Texas, they could order

them to be furnished with copies of the several resolutions passed by that body, but did not think proper to notify the major-general of the army of their adoption; nor have they yet caused him to be furnished with the acts of the council, relative to the army. True it is they passed a resolution to that effect, but it never was complied with. Their object must have been to conceal, not to promulgate their acts. 'They have loved the darkness rather than light because their deeds are evil.'

"I do not consider the council as a constitutional body nor their acts lawful. They have no quorum agreeably to the organic law, and I am therefore compelled to regard all their acts as void. The body has been composed of seventeen members, and I perceive the act of 'suspension' passed against your Excellency was by only ten members present; the president pro tem, having no vote, only ten members remain when less than twelve could not form a quorum agreeably to the organic law, which required two-thirds of the whole body. I am not prepared either to violate my duty or my oath, by yielding obedience to an act manifestly unlawful, as it is in my opinion, prejudicial to the welfare of Texas.

"The lieutenant-governor, and several members of the council, I believe to be patriotic and just men; but, there have been, and when I left San Felipe there were, others in that body on whose honesty and integrity the foregoing acts will be the best commentary. They must also abide the judgment of the people. I have the honor to be,

"Your Excellency's obedient servant,

"SAM HOUSTON,

"Commander-in-Chief of the Army."

The following remarks are offered both in explanation and vindication of the character of Doctor James Grant and Colonel James W. Fannin, Jr., who were arraigned by the above most extraordinary official document for offences and crimes which, were they guilty, would, and should stamp their names with infamy for all time.

First, General Houston makes the enquiry, "Then, who is Dr. Grant?" We answer, a gentleman, scholar, patriot, and gallant soldier.

Second, "Is he not a Scotchman, who has resided in Mexico for the last ten years? To this, we answer, if so, what then?

Third, "Does he not hold large possessions in the interior?" He, with others, holds, as we are informed and believe, a large estate in the neighborhood of Parras.

Fourth, "Has he ever taken the oath to support the organic law?" No, he with hundreds of others, who have served Texas faithfully, ably, have never been required to do so.

Fifth, "Is he not deeply interested in the hundred league claims of land which hang like a murky cloud over the people of Texas?" That he was one, of many others, who bought land of the state of Coahuila and Texas, is matter of fact and has not, so far as we know, ever been denied by him or others.

Sixth, "Is he not the man who impressed the property of the people of Bexar?" To this, we answer, no. There was neither the necessity

nor occasion for so doing. Whatever was taken for the use of the army was authorized, and the property receipted for.

Seventh, "Is he not the man that took from Bexar, without authority, or knowledge of the government, cannon and other munitions of war, together with supplies necessary for the troops at that station, leaving the wounded and the sick destitute of needful comforts?" To this we have only to say that he took, by authority of the proper officer, one six-pounder-gun, and one 6 or 8 inch mortar, with suitable ammunition for the same. As to supplies and comforts, there were none to take, the quartermaster's department being as empty as the treasury of Texas. The government did the best it could under the circumstances, and would no doubt have furnished both necessities and sent comforts as the sick and wounded required, had it been able to do so. Hence the necessity of drawing on the citizens for such supplies as were absolutely necessary and indispensable, and receipt for the same. Not a thing was taken from Col. Neill in the shape of supplies. He was left in possession of a full proportion of what had been surrendered by the enemy.

Eighth, "Yet this is the man whose outrages and oppressions upon the rights of the people of Texas are sustained and justified by the acts and conduct of the general council." In the above answers and explanations, to the charges preferred, will be found the sum and substance of Doctor Grant's offending.

No man entered the service of Texas more heartily, zealously, or from purer motives than did Doctor Grant. He not only risked his life, but offered it a sacrifice on the altar of his country. To say that he was actuated in what he did by any other than the purest motives, and for the best interests of his country, is to falsify his record. Such charges find no place, except in the minds of such as are lost to all the finer feelings—to every sense of truth, right, and justice. To say that "Several members of that body" (the council) "were aware that the interests and feelings of Dr. Grant were opposed to the independence and true interests of the people of Texas," is simply absurd, a distortion of truth.

It is painful, in thus vindicating the character and public services of a distinguished citizen, to have to call in question that of another who has rendered his country important service; yet, justice as well as the truth of history requires it. While we would be the last to pluck a single leaf from the laurels that encircle the brow of General Houston, neither will we allow to pass, unchallenged, his imputations on the character and memory of Doctor Grant, whom we knew well and intimately, and who possessed in a high degree all the qualities that ennoble the character of man.

Without intending to argue, still less defend, the scandalous conduct of the council and of the governor; yet, in defence of the character of another distinguished citizen, patriot, and gallant soldier, who sacrificed his life in the cause of his country—Colonel James W. Fannin, Jr., we offer the following remarks. This distinguished patriot and soldier is charged with conspiring to rob the commander-in-chief of his office; *of wanting to command the army; of mutiny, and treason.* Sir! Colonel James W. Fannin, Jr.—the gentleman, patriot,

and soldier—is charged with these high offenses and crimes by General Sam Houston, in an official report to the Governor.

Let us examine, calmly, dispassionately, these grave charges and see what they rest upon. Without going into detail, it will be sufficient to show that, Colonel Fannin, unlike General Houston, who assumes and constitutes himself a *court of last resort*, is willing, and does recognize the council and governor as the Government, and, as such, feels bound by their orders and decrees. By virtue of an ordinance, he is constituted an agent of the government to do and perform certain duties. He accepts, and fulfills his mission to the letter. If this constitutes mutiny or treason, is Colonel Fannin guilty. This is the head and front of his offending, according to General Houston's own showing. Colonel Fannin did not, like General Houston, make himself a party to the shameful quarrel between the council and governor. He was content to do his duty, which contrasts strangely as well as favorably with that of General Houston. General Houston throws the whole weight of his character and position in favor of Governor Smith, and charges the council, in terms stronger than elegant, with high crimes and misdemeanors. His argument is labored, and intended to show that both Governor Smith and himself derived their powers from a higher source than the council. The sophistry of this argument is too transparent to require any other notice or argument.

The Council, as the law-making branch of the government, would seem, from all the admitted maxims of law, as well as the maxims of civil polity, to possess a power that neither the governor nor commander-in-chief may rightfully disregard.

A word, now, as to the much talked of and abused expedition against Matamoras, which Houston has made his text as the prime cause of all the disasters that befell the country in its struggle for independence. If this be true, is General Houston free from blame? We shall see.

In the month of December, 1835, by authority of the governor, General Houston issued an order to Colonel James Bowie, directing him to raise a force for the purpose of reducing Matamoras. True, it was qualified with *buts*, and *ifs*, yet, it is undeniable that both he, Houston, and Governor Smith, favored such an expedition. Were it necessary, proofs could be adduced to show that, even under the direction of the mutinous and traitorous Fannin, he promised it his support.

As to the charges against F. W. Johnson, if any doubt still remains in the mind of any one, it is only necessary for them to turn to the journals of the council to be convinced that they have no foundation in truth.

In conclusion we have only to remark that, so far as the failure of the expedition against Matamoras, and the disasters that befell the Texan army subsequently, no man contributed more to that end than did General Houston. Not by public orders, but, by misrepresentations at Goliad and Refugio to the Bexar volunteers, by which means he divided the volunteers then collected and collecting at Mission Refugio, by stating that the expedition was unauthorized. In this way he succeeded in drawing off at least half of the volunteers from Bexar.

Under these circumstances, after the arrival of Colonel Fannin at the Mission, it was found that there was not a sufficient force to attempt the invasion of Mexico. Hence, the expedition was abandoned for the time. What was done subsequently, the reason for, and the results, are part and parcel of the history of the times.

CHAPTER XX

THE DECLARATION OF INDEPENDENCE AND THE ESTABLISHMENT OF THE REPUBLIC¹

Fortunately the council had passed over the governor's veto on December 13, before the quarrel developed, a resolution for calling a convention. This was to meet at Washington on March 1, and the delegates were to be "clothed with ample, unlimited, or plenary powers as to the form of government to be adopted: *provided*, that no constitution formed shall go into effect until the same be submitted to the people and confirmed by a majority thereof." Delegates were to be elected on February 1, and representation was to be proportioned roughly to population: the ordinance prescribed four delegates each for the municipalities of Brazoria, Washington, Nacogdoches, San Augustine, and Bexar; three each for those of San Felipe, Mina, and Liberty; two each for those of Gonzales, Viesca, Harrisburg, Jasper, Matagorda, Jackson, Tenaha, Jefferson, Refugio, Goliad, San Patricio, Victoria, and Pecan Point.

A sentiment in favor of independence rapidly developed, and before the convention met it was a foregone conclusion that independence would be declared. A public meeting at San Augustine on December 22 adopted a series of well reasoned resolutions, offered by Jonas Harrison, urging such a declaration. On December 20 ninety-one volunteers at Goliad adopted what is called "the Goliad declaration of independence,"² and by January 7, 1836, Stephen F. Austin was won

¹ This chapter is inserted by the Editor.

² This document reads as follows: "Solemnly impressed with a sense of the danger of the crisis to which recent and remote events have conducted the public affairs of their country, the undersigned prefer this method of laying before their fellow-citizens, a brief retrospect of the light in which they regard both the present and the past, and of frankly declaring for themselves, the policy and the uncompromising course which they have resolved to pursue for the future.

"They have seen the enthusiasm and the heroic toils of an army bartered for a capitulation, humiliating in itself, and repugnant in the extreme to the pride and honor of the most lenient, and no sooner framed than evaded or insultingly violated.

"They have seen their camp thronged, but too frequently, with those who were more anxious to be served by, than to serve their country—with men more desirous of being honored with command than capable of commanding.

"They have seen the energies, the prowess, and the achievements of a band worthy to have stood by Washington and receive command, and worthy to participate of the inheritance of the sons of such a Father, frittered, dissipated, and evaporated away for the want of that energy, union, and decision in council, which, though it must emanate from the many, can only be exercised efficiently when concentrated in a single arm.

"They have seen the busy aspirants for office running from the field to the council

to independence, and was urging it in letters from New Orleans. On December 22 he had written from Velasco, on the eve of his embarking for the United States, that he thought the time was not yet ripe for a declaration of independence:

"As to independence—I think it will strengthen the cause of Texas to show that we have *legal* and *equitable* and just grounds to declare independence, and under this view I touched upon this subject in my communication to the provisional Govt. of the 30th ultimo. But I also think that it will weaken Texas, and expose the old settlers and men of property in this country to much risk to make such a declaration at this time, and under the present circumstances, for the reason that it will turn all parties in Mexico against us—bring back the war to our own doors, which is now removed from Texas by the fall of Bexar, and compel the people to seek aid at any sacrifice—I do not think it necessary to run any such risk, for the natural current of events will soon regulate everything. A large portion of the Mexicans are determined to be free. If they succeed, Texas will participate as a state in conformity with its declaration of 7th Novr.—if they fail, Texas can at any time resort to her natural rights."

But in New Orleans Austin found public opinion strongly favorable

hall, and from this back to the camp, seeking emolument and not service, and swarming like hungry flies around the body politic.

"They have seen the deliberations of the council and the volition of the camp distracted and paralyzed, by the interference of an influence anti-patriotic in itself, and too intimately interwoven with the paralyzing policy of the past, to admit the hope of relief from its incorporation with that which can alone avert the evils of the present crisis, and place the affairs of the country beyond the reach of an immediate reaction.

"They have witnessed these evils with bitter regrets, with swollen hearts, and indignant bosoms.

"A revulsion is at hand. An army, recently powerless and literally imprisoned, is now emancipated. From a comparatively harmless, passive and inactive attitude, they have been transferred to one pre-eminently commanding, active, and imposing. The North and East of Mexico will now become the stronghold of centralism. Thence it can sally in whatever direction its arch adviser may prefer to employ its weapons. The counter-revolution in the interior once smothered, the whole fury of the contest will be poured on Texas. She is principally populated with North-Americans. To expel these from its territory, and parcel it out among the instruments of its wrath, will combine the motive and the means for consummating the schemes of the President Dictator. Already, we are denounced, proscribed, outlawed, and exiled from the country. Our lands, peaceably and lawfully acquired, are solemnly pronounced the proper subject of indiscriminate forfeiture, and our estates of confiscation. The laws and guarantees under which we entered the country as colonists, tempted the unbroken silence, sought the dangers of the wilderness, braved the prowling Indian, erected our numerous improvements, and opened and subdued the earth to cultivation, are either abrogated or repealed, and now trampled under the hoofs of the usurper's cavalry.

"Why, then, should we longer contend for charters, which, we are again and again told in the annals of the past, were never intended for our benefit? Even a willingness on our part to defend them, has provoked the calamities of exterminating warfare. Why contend for the shadow when the substance courts our acceptance? The price of each is the same. War—exterminating war—is waged; and we have either to fight or flee.

"We have indulged sympathy, too, for the condition of many whom, we vainly flattered ourselves, were opposed, in common with their adopted brethren, to the extension of military domination over the domain of Texas. But the siege of Bexar

to independence, and his doubts concerning the expediency of a declaration disappeared. To General Houston he wrote on January 7:

"In all our Texas affairs, as you are well apprised, I have felt it to be my duty to be very cautious in involving the pioneers and actual settlers of that country, by any act of mine, until I was fully and clearly convinced of its necessity, and of the capabilities of our resources to sustain it. Hence it is that I have been censured by some for being over cautious. Where the fate of a whole people is in question, it is difficult to be over cautious, or to be too prudent.

"Besides these general considerations, there are others which ought to have weight with me individually. I have been, either directly or indirectly, the cause of drawing many families to Texas, also the situation and circumstances in which I have been placed have given considerable weight to my opinions. This has thrown a heavy responsibility upon me—so much so, that I have considered it to be my *duty* to be prudent, and even to control my own impulses and feelings: these have long been impatient under the state of things which has existed in Texas, and in favour of a speedy and *radical* change. But I have never approved of the course of forestalling public opinion, by party or partial meetings or by management of any kind. The true course is to lay *facts* before the people and let them judge for themselves. I have endeavoured to pursue this course. A question of vital importance is yet to be decided by Texas, which is a declaration of Independence.

has dissolved the illusion. Nearly all their physical force was in the line of the enemy and armed with rifles. Seventy days' occupation of the fortress of Goliad, has also abundantly demonstrated the general diffusion among the Creole population of a like attachment to the institutions of their ancient tyrants. Intellectually enthralled, and strangers to the blessings of regulated liberty, the only philanthropic service which we can ever force on their acceptance is that of example. In doing this, we need not expect or even hope for their co-operation. When made the reluctant, but greatly benefited recipients of a new invigorating, and cherishing policy—a policy tendering equal, impartial, and indiscriminate protection to all; to the low and the high, the humble and the well-born, the poor and the rich, the ignorant and the educated, the simple and the shrewd—then, and not before, will they become even useful auxiliaries in the work of political or moral renovation.

"It belongs to the North-Americans of Texas to set this bright, this cheering, this all-subduing example. Let them call together their wise men. Let them be jealous of the experienced, of the speculator, of every one anxious to serve as a delegate, of every one hungry for power, or soliciting office: and of all too who have thus far manifested a willingness to entertain or encourage those who have already tired the patience of the existing Council with their solicitations and attendance. Those who seek are seldom ever the best qualified to fill an office. Let them discard, too, the use of names calculated only to deceive and bewilder, and return like men to the use of words, whose signification is settled and universally acknowledged. Let them call their assembly, thus made up, a Convention; and let this convention, instead of declaring for 'the principles' of a constitution, for 'the principles' of Independence, or for those of Freedom and Sovereignty, boldly, and with one voice, proclaim the Independence of Texas. Let the convention frame a constitution for the future government of this favored land. Let them guard the instruments securely, by the introduction of a full, clear, and comprehensive bill of rights. Let all this be done as speedily as possible. Much useful labor has already been performed; but much is yet required to complete the work.

"The foregoing, we are fully aware, is a blunt, and in some respects a humiliating, but a faithful picture. However much we may wish, or however much we may be interested, or feel disposed to deceive our enemy, let us carefully guard against

"When I left there, I was of opinion that it was premature to stir this question, and that we ought to be very cautious of taking any step that would make the Texas war purely a national war, which would unite all parties against us, instead of its being a party war, which would secure to us the aid of the federal party. In this I acted contrary to my own impulses: for I wish to see Texas free from the trammels of religious intolerance, and other anti-republican restrictions; and independent at once; and as an individual, have always been ready to risk my all to obtain it; but I could not feel justifiable in precipitating and involving others until I was fully satisfied that they would be sustained.

"Since my arrival here, I have received information which has satisfied me on this subject. I have no doubt we can obtain all, and even much more aid than we need. I now think the time has come for Texas to assert her natural rights; and were I in the Convention I would urge an immediate Declaration of Independence. I form this opinion from the information now before me. I have not heard of any movement in the interior, by the Federal party, in favour of Texas, or of the Constitution; on the contrary, the information from Mexico is that all parties are against us, owing to what has already been said and done in Texas, in favour of Independence; and that we have nothing to expect from that quarter but hostility. I am acting on this

deceiving ourselves. We are in more danger from this—from his insinuating, secret, silent, and unseen influence in our councils, both in the field and in the cabinet, and from the use of his silver and gold, than from his numbers, his organization, or the concentration of his power in a single arm. The gold of Philip purchased what his arms could not subdue—the liberties of Greece. Our enemy, too, holds their weapon. Look well to this, people of Texas, in the exercise of suffrage. Look to it, Counselors, your appointments to office. Integrity is a precious jewel.

"Men of Texas! nothing short of independence can place us on solid ground. This step will. This step, too, will entitle us to confidence, and will procure us credit abroad. Without it, every aid we receive must emanate from the enthusiasm of the moment, and with the moment, will be liable to pass away or die forever. Unless we take this step, no foreign power can either respect or even know us. None will hazard a rupture with Mexico, impotent as she is, or incur censure from other powers for interference with the internal affairs of a friendly State, to aid us in any way whatever. Our letters of marque and reprisal must float at the mercy of every nation on the ocean. And whatever courtesy or kindred feeling may do, or forbear to do, in aid of our struggle, prosecuted on the present basis, it would be idle and worse than child-like to flatter ourselves with the hope of any permanent benefit from this branch of the service, without frankly declaring to the world, as a people, our independence of military Mexico. Let us then take the tyrant and his hirelings at their word. They will not know us but as enemies. Let us, then, know them hereafter, as other independent States know each other—as 'enemies in war, in peace, friends.' Therefore,

"1. Be it resolved, That the former province and department of Texas is, and of right ought to be, a free, sovereign and independent State.

"2. That as such, it has, and of right ought to have, all the powers, faculties, attributes, and immunities of other independent nations.

"3. That we, who hereto set our names, pledge to each other our lives, our fortunes, and our sacred honor, to sustain this declaration—relying with our entire confidence upon the co-operation of our fellow-citizens, and the approving smiles of the God of the living, to aid and conduct us victoriously through the struggle, to the enjoyment of peace, union, and good government; and invoking his malediction, if we should either equivocate, or, in any manner whatever, prove ourselves unworthy of the high destiny at which we aim."

information, if it be true; and I have no reason to doubt it. Our present position in favour of the Republican principles of the Constitution of 1824 can do us no good; and it is doing us harm by deterring those kinds of men from joining us who are most useful. I know not what information you may have in Texas as to movements of the Federal party in our favour, nor what influence they ought to have on the decision of this question, this being a matter which the Convention alone can determine. I can only say, that with the information now before me I am in favour of an immediate Declaration of Independence.

"Santa Anna was at San Luis Potosi, according to the last account, marching on rapidly, with a large force against Texas. We must be united and firm and look well to the month of March, and be ready. I shall try to be at home by that time."

This advice Austin continued to give until the meeting of the convention, and before it opposition to a declaration of independence disappeared.

On March 1 the convention assembled, and organized by electing Richard Ellis president and H. S. Kimball secretary. George C. Childress moved the appointment of a committee of five to draft a declaration of independence, and, after an attempt by Martin Parmer to enlarge the committee by the appointment of one member from each municipality represented in the convention, the president appointed Childress, James Gaines, Bailey Hardeman, Edward Conrad, and Collin McKinney. This committee reported a declaration the next day, March 2, which was unanimously adopted. Five copies of the declaration were ordered prepared for distribution, at Bexar, Goliad, Nacogdoches, Brazoria, and San Felipe; and as soon as possible a thousand copies were to be printed at San Felipe and distributed in handbill form. In style the declaration was modeled after the American declaration of 1776, beginning with a philosophical statement of the nature of government, then passing to an enumeration of the causes of the declaration, and closing with the solemn declaration of the severance of all connection with Mexico.

THE UNANIMOUS DECLARATION OF INDEPENDENCE MADE BY THE DELEGATES OF THE PEOPLE OF TEXAS IN GENERAL CONVENTION AT THE TOWN OF WASHINGTON ON THE 2D DAY OF MARCH, 1836.

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and, so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression: When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federated republic, composed of sovereign states, to a consolidated, central, military despotism, in which every interest is disregarded but that of the army and the priesthood—both the eternal enemies of civil liberty, the ever-ready minions of power, and the usual instruments of tyrants:

When, long after the spirit of the constitution has departed, moderation is, at length, so far lost by those in power that even the semblance of freedom is removed, and the forms, themselves, of the constitution discontinued; and so far from their petitions and remonstrances being regarded the agents who bear them are thrown into dungeons; and mercenary armies sent forth to force a new government upon them at the point of the bayonet: When in consequence of such acts of malfeasance and abdication, on the part of the government, anarchy prevails, and civil society is dissolved into its original elements. In such a crisis, the first law of nature, the right of self-preservation—the inherent and inalienable right of the people to appeal to first principles and take their political affairs into their own hands in extreme cases—enjoins it as a right towards themselves and a sacred obligation to their posterity to abolish such government and create another, in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is, therefore, submitted to an impartial world, in justification of the hazardous but unavoidable step now taken of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government; by its colonization laws invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who, having overturned the constitution of his country, now offers us the cruel alternative either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned in the humblest terms, for the establishment of a separate state government, and have, in accordance with the provisions of the national constitution, presented to the general Congress a republican constitution which was, without just cause contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our constitution and the establishment of a state government.

It has failed, and refused to secure, on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain) and, al-

though, it is an axiom, in political science, that unless a people are educated and enlightened it is idle to expect the continuance of civil liberty, or the capacity for self-government.

It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most sacred rights of the citizen and rendering the military superior to the civil power.

It has dissolved by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government; thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial; in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience; by the support of a national religion calculated to promote the temporal interests of its human functionaries rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defense, the rightful property of freemen, and formidable only to tyrannical governments.

It has invaded our country, both by sea and by land, with intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas until they reached that point at which forbearance ceased to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the Interior. We are, therefore, forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government—that they are unfit to be free and are incapable of self-government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our

political connection with the Mexican nation has forever ended; and that the people of Texas do now constitute a free sovereign and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

Members of the convention not present when the declaration was passed were allowed to sign it, and the original declaration now preserved in the State's Archives bears fifty-eight signatures. They are: Richard Ellis, Charles B Stewart, Thomas Barnett, James Collinsworth, Edwin Waller, John S. D. Byrom, Francisco Ruiz, J. Antonio Navarro, Jesse B. Badgett, William D. Lacy, William Menefee, John Fisher, Mathew Caldwell, William Mottley, Lorenzo de Zavala, Stephen H. Everett, George W. Smyth, Elijah Stapp, Claiborne West, William B. Scates, M. N. Menard, A. B. Hardin, J. W. Burton, Thomas J. Gazley, R. M. Coleman, Sterling C. Robertson, George C. Childress, Bailey Hardeman, Robert Potter, Thomas Jefferson Rusk, Charles S. Taylor, John S. Roberts, Robert Hamilton, Collin McKinney, Albert H. Latimer, James Power, Sam Houston, David Thomas, Edward Conrad, Martin Parmer, Edwin O. LeGrand, Stephen W. Blount, James Gaines, William Clark, Jr., Sydney S. Penington, William Carrol Crawford, John Turner, Benjamin Briggs Goodrich, G. W. Barnett, Jesse Grimes, S. Rhoads Fisher, John W. Moore, John W. Bower, Samuel A. Maverick, Sam P. Carson, A. Briscoe, James B. Woods.

On March 2, before the vote was taken on the declaration, the president had already appointed a committee consisting of one delegate from each municipality represented in the convention to draft a constitution. This included Messrs. Parmer, Potter, Stewart, Waller, Grimes, Coleman, Fisher, Burton, Gaines, Zavala, Everett, Hardeman, Stapp, Crawford, West, Power, Navarro, McKinney, Menefee, Mottley, and Menard. The next day Messrs. Houston, Hamilton, Collinsworth, and Thomas were added to the committee.

While the committee was preparing its report the convention disposed of several important measures. On the 3d it adopted resolutions closing the land offices and forbidding commissioners to issue titles, and authorized the enlistment of a regiment of rangers. On the 4th it elected General Houston "commander-in-chief of all the land forces of the Texan army, both regulars, volunteers and militia, while in actual service;" and he was to retain this office "until the election of a chief magistrate of this government . . . subject, however, to the federal orders of the government *de facto* . . . and always amenable to the laws and civil authorities of the country." On the 6th General Houston addressed the convention in explanation of his "former course as commander-in-chief" and departed for the army. On the 7th the convention passed a law declaring all male inhabitants of Texas between the ages of seventeen and fifty subject to militia duty, and providing for the immediate organization of a militia force. And on March 14th it increased the land bounties allowed to volunteers: to those who served throughout the war should be given 1,280 acres; and

corresponding amounts were to be allowed those who served for shorter terms.

The committee on the constitution presented its report on the 9th, and from that time the convention occupied itself almost exclusively with the constitution. As finally completed, this first constitution of the Republic of Texas was very much like the constitution of the United States.

The legislature or Congress consisted of two houses—the house of representatives and the senate. Representatives were elected for one year; senators for three years, one-third retiring annually. The House was to consist of not less than twenty-four nor more than forty members until the population of the republic reached one hundred thousand; then it might be increased to not less than forty nor more than one hundred. But each county was to have at least one representative. The senate was to consist of not less than one-third nor more than one-half the number of the representatives. The powers of the legislature were almost identical with those of the Congress of the United States: “to levy and collect taxes and imports, excise and tonnage duties; to borrow money on the faith, credit and property of the government, to pay the debts and to provide for the common defense and general welfare of the republic;” to regulate commerce and coin money; to establish postoffices and post roads; to declare war, maintain an army and navy; and “To make all laws which shall be deemed necessary and proper to carry into effect the foregoing express grants of power.” One of the duties of the congress was, “as soon as circumstances will permit, to provide by law a general system of education.”

The president and vice-president were elected by direct vote of the people, and ties were to be settled by the house of representatives voting *viva voce*. The first president was to hold office two years and was ineligible for re-election until one term had intervened. Succeeding presidents held office three years, but were subject to the same limitation as to immediate re-election. The powers of the president were those in general that were enjoyed by the president of the United States.

The judiciary department consisted of a supreme court and such district courts—not less than three nor more than eight—as congress should determine. The supreme court consisted of the chief justice acting with the district judges, a majority of whom formed a quorum. As soon as practicable congress was to introduce by statute the English common law in place of the existing Spanish-Roman law, making such modifications in the common law as seemed desirable.

Slavery was recognized. Congress was denied the power to emancipate slaves; nor could an owner liberate his slaves without the consent of congress, unless he sent them out of the country. No free negroes might reside in the republic without the consent of congress. Congress could pass no laws prohibiting the immigration of slaves with their masters from the United States; but importation of slaves except from the United States was declared piracy.

Fraudulent grants of land made by the congress of Coahuila and Texas were declared null, and to clear up the existing confusion in the land titles congress was enjoined to establish a general land office.

The members of the convention labored in the midst of confusion and under great personal excitement and alarm, but this is not reflected in the constitution, which was ratified almost unanimously by those who voted in September, 1836, and which served the Republic of Texas until its annexation to the United States in 1846. Santa Anna's forces were advancing in overwhelming numbers. Johnson and Grant's divisions were destroyed, as we shall learn below; Travis's powerful appeals from the Alamo for reinforcement were wringing every heart; and on the 16th came the news that General Houston was retreating from Gonzales and that the Mexicans were advancing into the colonies. The strain under which the members labored is shown by a letter of the 6th from Martin Parmer to his wife at Nacogdoches: "We have alarming news continually from the west; Frank Johnson's division is all killed but five, it is supposed. He saw two shot begging for quarters. Dr. Grant with a company of men is supposed to be all slain. Travis' last express states San Antonio was strongly besieged; it is much feared that Travis and company is all massacred, as dispatches from that place have been due three days and none have arrived yet. The frontiers are breaking up, Gonzales must be sacked, and its inhabitants murdered and defiled without they get immediate aid. The last accounts the Mexicans were to a considerable number between Gonzales and San Antonio. Fanning is at La Bahia with about 500 men, and is in daily expectation of a visit from Santa Anna. Texas has been declared free and independent, but unless we have a general turn out and every man lay his helping hands to, we are lost. Santa Anna and his vassals are now on the borders, and the declaration of our freedom, unless it is sealed with blood, is of no force. . . . Travis closes his last expresses with these words, 'Help, O my country.' "

Before adjournment the convention, realizing the impossibility of holding elections to ratify the constitution and choose officers, passed an ordinance creating a government *ad interim*. This was to consist of a president, vice-president, secretaries of state, war, and treasury, and an attorney general—all to be elected by the convention by majority vote—and to have "full, ample and plenary powers to do all and everything which is contemplated to be done by the General Congress of the people, under the powers granted to them by the constitution, saving and expecting all legislative and judicial acts." Specifically the government *ad interim* had authority to appoint all officers, to negotiate a loan of a million dollars, to appropriate money for the defense of the country, and to negotiate treaties with foreign powers. The closing hours of the convention are thus described by David G. Burnet, who had just been elected president *ad interim* and who was present:

"On the evening of the 16th of March a messenger arrived from the west, bearing the melancholy intelligence that the Alamo had fallen, and all within it been massacred. The Convention assembled forthwith, and with some few symptoms of undue excitement, proceeded to the institution of an executive government for the embryo republic. David G. Burnet was elected President; Lorenzo de Zavala, a distinguished Mexican, was elected Vice-President; Col. Samuel P. Carson, formerly of North Carolina, Secretary of State; Bailey Hardeman, Secretary of the Treasury; Col. Thomas J. Rusk, Secretary of War; Rob-

ert Potter, Secretary of the Navy; and David Thomas, Attorney-General.

“The inauguration of the new government was completed about two o’clock in the morning of 17th March, the Convention having been in session all the night. Mr. Burnet delivered a pertinent address of some length, and on the ensuing day issued a proclamation from which we extract the following: ‘The government will remove to Harrisburg; but that removal is not the result of any apprehension that the enemy is near us. It was resolved upon as a measure conducive to the common good, before any such report was in circulation, and it has not been expedited by such report. . . . Let us acquit ourselves like men: gird up the loins of our minds, and by one united, prompt, and energetic exertion, turn back this impotent invader; and planting our standard on the bank of the Rio Grande, dictate to him the terms of mutual recognition.’ Both these documents were published at San Felipe, in fugitive handbills, a very few of which are now extant.”

CHAPTER XXI

THE FALL OF THE ALAMO¹

When Johnson and Grant determined to undertake the expedition against Matamoras, Grant, as we saw, marched to San Patricio with most of the volunteers who had shared in the capture of San Antonio, while Johnson went to San Felipe to obtain the authorization of the government for the expedition. Lieutenant-Colonel J. C. Neill was left in command of the garrison at San Antonio, and soon found himself in an unpleasant predicament, shown in his letter given in Chapter XIX.

On January 14, Colonel Neill wrote General Houston additional details of his situation. His men had been in the field, he said, nearly four months and were nearly naked; they had not yet received their first month's pay, though it was expected the day that he wrote, and many of the men were talking of going home; "not less than twenty men will leave to-morrow, and leave here only about eighty efficient men under my command. There are at Laredo now 3,000 men under the command of General Ramirez, and two other generals, and, as it appears from a letter received here last night, 1,000 of them are destined for this place, and two thousand for Matamoras. We are in a torpid, defenseless condition, and have not and cannot get from all the citizens here horses enough to send out a patrol or spy company. . . . I hope we will be reinforced in eighty days, or we will be overrun by the enemy, but, if I have only 100 men, I will fight 1,000 as long as I can and then not surrender. . . ."

These two letters had important results. Governor Smith was already thoroughly angry over the Council's determination to push the expedition against Matamoras, and Neill's letter, showing the defenseless condition of the post at San Antonio, caused him to lose control of himself and send in his bitter message of January 11 denouncing certain members of the Council as scoundrels and paricides. And this message, as we have seen, precipitated the quarrel between the governor and the Council, which paralyzed the government until the meeting of the convention. At the same time, however, he ordered Colonel Travis to the relief of Neill with a hundred men. General Houston replied to Neill's letter on the 16th by sending James Bowie from Goliad with a handful of men, while he took steps to forward additional reinforcements under Captain Dimit. His letter to Governor Smith reporting these measures is as follows:

¹ A considerable number of the documents in this chapter are inserted by the Editor.

"HEADQUARTERS, GOLIAD, Jan. 17, 1836.

"*To His Excellency, Henry Smith:*

"Col. Bowie will leave here in a few hours for Bexar, with a detachment of from 20 to 50 men. Capt. Patton's company, it is believed, are now there. I have ordered the fortifications in the town of Bexar to be demolished, and, if you should think fit, I will remove all the cannon and other munitions of war to Gonzales and Copano, blow up the Alamo and abandon the place, as it will be impossible to keep up the station with volunteers. The sooner that I can be authorized the better it will be for the country. . . . I have sent to Capt. Dimmit to raise '100 or more men' and march to Bexar forthwith, if it should be invested, and, if not, to repair to headquarters with his company. Capt. Patton will do likewise. I would myself have marched to Bexar with a force, but the Matamoras rage is up so high that I must see Col. Ward's men.

"I have the honor to be, with great regard,

"Yr. obt. servt.,

"SAM HOUSTON,

"*Commander-in-Chief of the Army.*"

Bowie reached San Antonio without delay, and on February 2 wrote Governor Smith, calling for additional reinforcements: "Relief at this post in men, money and provision is of vital importance. The salvation of Texas depends on keeping Bexar out of the hands of the enemy. . . . Col. Neill and myself have come to the same conclusion, that we will rather die in these ditches than give it up to the enemy. These citizens deserve our patriotism, and the public safety demands our lives rather than evacuate this post to the enemy. Again we call aloud for relief. . . . Our force is very small. The returns this day show only 120 men and officers. It would be a waste of men to put our brave little band against thousands. I have information just now from a friend that the force at Presidio is 2,000 complete. He states further that 5,000 more are a little back and marching on. The informant says that they intend to make a descent on this place in particular, and there is no doubt of it."

Travis's movements can be shown by his letters to Governor Smith. On January 28 he wrote from Burnham's on the Colorado:

"SIR: In obedience to my orders I have done everything in my power to get ready to march to the relief of Bexar, but owing to the difficulty of getting horses and provisions, and owing to desertions, etc. I shall march to-day with only about thirty men, all regulars, except four. I shall however go on and do my duty, if I am sacrificed, unless I receive new orders to countermarch. Our affairs are gloomy indeed—The people are cold and indifferent—They are worn down and exhausted with the war, and in consequence of dissensions between contending and rival chieftians, they have lost all confidence in their own government and officers. You have no idea of the exhausted state of the country—Volunteers can no longer be had or relied upon—A speedy organization, classification and draft of the Militia is all that can save us now. A regular army is necessary—but money, and *money* alone

can raise and equip a regular army—Money must be raised or Texas is gone to *ruin*. Without it war cannot again be carried on in Texas—The patriotism of a few has done much; but that is becoming worn down—I have strained every nerve—I have used my personal credit and have neither slept day nor night since I rec'd orders to march—and with all this exertion I have hardly been able to get horses and equipments for the few men I have. . . .

“W. BARRETT TRAVIS,
“*Lieutenant-Colonel Commanding.*”

The next day, January 29, Travis wrote from Burnham's:

“BURNHAM'S, COLORADO, Jan. 29, 1836.

“*To His Excellency, Henry Smith, Governor of the State of Texas.*

“SIR: I have been here with the troops under Capt. Forsythe, but shall await your orders at Gonzales, or some other point on the road. I shall, however, keep the thirty men of Forsythe's company in motion towards Bexar, so that they may arrive there as soon as possible.

“Not having been able to raise 100 volunteers agreeable to your orders, and there being so few regular troops together, I must beg that your Excellency will recall the order for me to go to Bexar in command of so few men. I am willing, nay anxious, to go to the defense of Bexar, but, sir, I am unwilling to risk my reputation (which is ever dear to a soldier) by going off into the enemy's country with such little means, so few men, and with them so badly equipped. In fact, there is no necessity for my services to command these few men. The company officers will be amply sufficient.

“If the Executive or the Major General desire or order it, I will visit the post of San Antonio or any other for the purpose of consulting or communicating with the officers in command there—or to execute any commission I may be entrusted with, but I do not feel disposed to go to command a squad of men, and without the means of carrying on a campaign. Therefore I hope your Excellency will take my situation into consideration, and relieve me from the orders which I have heretofore received, so far as they compel me to command in person the men who are now on their way to Bexar—Otherwise I shall feel it due to myself to resign my commission.

“I would remark that I can be more useful at present, in superintending the recruiting service. . . .”

On February 12 Travis wrote Governor Smith from San Antonio:

“COMMANDANCY OF BEXAR, Feb. 12, 1836.

“*To His Excellency, Henry Smith, Governor of Texas:*

“SIR: Santa Anna by the last accounts was at Saltillo with a force of 2,500 men and Gen. Ramirez Sesma was at the Rio Grande with about 2,000. He has issued his proclamation denouncing vengeance against the people of Texas, and threatens to exterminate every white man within its limits. This, being the frontier post, will be the first attacked. We are illy prepared for their reception, as we have not more than 150 men here and they in a very disorganized state. Yet

we are determined to sustain it as long as there is a man left, because we consider death preferable to disgrace, which would be the result of giving up a post so dearly won, and thus opening the door for the invaders to enter the sacred territory of the colonies. We hope our countrymen will open their eyes to the present danger, and awake from their false security. I hope that all party dissensions will subside, that our fellow-citizens will unite in the common cause and fly to the defense of the frontier.

"I fear that it is useless to waste arguments upon them—*The thunder of the enemy's cannon and the pollution of their wives and daughters—The cries of their famished children and the smoke of their burning dwellings, will only arouse them.* I regret that the Gov't has so long neglected a draft of the militia which is the only measure that will ever bring the citizens of Texas to the frontiers—For God's sake and for the sake of our country, send us reinforcements. I hope you will send to this post at least two companies of regular troops.

"In consequence of the sickness of his family, Lt.-Col. Neill has left this post to visit home for a short time, and has requested me to take command of the post.

"The troops here, to a man, recognize you as their legitimate Governor, and they expect your fatherly care and protection. In conclusion, let me assure your Excellency that with 200 men I believe this place can be maintained, and I hope they will be sent as soon as possible. Yet, should we receive no reinforcements, I am determined to fight to the last, and should Bexar fall, your friend will be buried beneath its ruins. I have the honor to be, your

"Most obt. and humble servt.,

"W. BARRETT TRAVIS,

"Lt.-Col. Commanding."

The next day, February 13, Travis wrote:

"*To His Excellency, Henry Smith:*

"DEAR SIR: I wrote you an official letter last night as Commd't of this post in the absence of Col. Neill, and if you had taken the trouble to answer my letter from Burnham's, I should not have been under the necessity of troubling you. My situation is truly awkward and delicate. Col. Neill left me in command, but wishing to give satisfaction to the volunteers here and not wishing to assume any command over them, I issued an order for the election of an officer to command them, with the exception of one company of volunteers that had previously engaged to serve under me. Bowie was elected by two small companies. . . . I hope you will order immediately some regular troops here, as it is more important to occupy this post than I imagined when I last saw you. It is the key of Texas from the interior. Without a footing here, the enemy can do nothing against us in the colonies, now that our coast is guarded by armed vessels. I do not solicit the command of this post, but as Col. Neill has applied to the Commander-in-Chief to be relieved and is anxious for me to take command, I will do it, if it be your order for a time, until an artillery officer can be sent here. . . . The enemy is on the Rio Grande,

1,000 strong, and is making every preparation to invade us. By the 15th of March I think Texas will be invaded, and every preparation should be made to receive them.

"I have the honor to be, etc.,

"W. BARRETT TRAVIS."

On February 23, at three o'clock in the afternoon Travis dispatched a hasty note to Andrew Ponton, Alcalde of Gonzales, saying: "The enemy in large force is in sight. We want men and provisions. Send them to us. We have 150 men and are determined to defend the Alamo to the last. Give us assistance." The next day he wrote the letter that has been called the most heroic document in American history:

"COMMANDANCY OF THE ALAMO, Bexar, Feby. 24th, 1836.

"*To the People of Texas and All Americans in the World—*

"FELLOW CITIZENS AND COMPATRIOTS: I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. *I shall never surrender or retreat.* Then, I call on you in the name of Liberty, of patriotism and everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. VICTORY OR DEATH.

"WILLIAM BARRETT TRAVIS,

"*Lt. Col. comdt.*

"P. S. The Lord is on our side. When the enemy appeared in sight we had not three bushels of corn. We have since found in deserted houses 80 to 90 bushels and got into the walls 20 or 30 head of Beeves."

"TRAVIS."

In reply to Travis' note of the 23d to Andrew Ponton thirty-two men marched from Gonzales to support him, and, passing through the enemy's lines, entered the Alamo on the night of March 1. Ponton sent the letter to San Felipe, and on February 27 Governor Smith published in handbill form an appeal to the people of Texas for reinforcements:

"Fellow Citizens and Countrymen: The foregoing official communication from Col. Travis, now in command at Bexar, needs no comment. The garrison, composed of only 150 Americans, engaged in a deadly conflict with 1,000 of the mercenary troops of the Dictator, who are daily receiving re-inforcements, should be a sufficient call upon you without saying more. However secure, however fortunate, our gar-

rison may be, they have not the provisions nor the ammunition to stand more than a thirty days' siege at farthest.

"I call upon you as an officer, I implore you as a man, to fly to the aid of your besieged countrymen and not permit them to be massacred by a mercenary foe. I slight none! The call is upon ALL who are able to bear arms, to rally without one moment's delay, or in fifteen days the heart of Texas will be the seat of war. This is not imaginary. The enemy from 6,000 to 8,000 strong are on our border and rapidly moving by forced marches for the colonies. The campaign has commenced. We must promptly meet the enemy or all will be lost. Do you possess honor? Suffer it not to be insulted or tarnished! Do you possess patriotism? Evince it by your bold, prompt and manly action! If you possess even humanity you will rally without a moment's delay to the aid of your besieged countrymen!" But no response could be made to this appeal in time to save the garrison.

At the same time that Travis wrote to Ponton he sent a messenger to Fannin at Goliad, asking for assistance. Fannin had some four hundred and twenty men there, and on February 26 he started with most of them for San Antonio, but shortly afterward changed his mind and returned to the fort at Goliad, which he began to strengthen. The account of his movements and the reasons therefor are given in a letter written by his aid, John Sowers Brooks, on March 2: "We marched at the time appointed, with . . . nearly the whole force at Goliad, leaving only one Company of Regulars to guard the Fort. Our baggage wagons and artillery were all drawn by oxen (no broken horses could be obtained) and there were but a few yokes of them. In attempting to cross the San Antonio River, three of our wagons broke down and it was with the utmost labor and personal hazard, that our four pieces of cannon were conveyed safely across. We remained there during the day, with our ammunition wagon on the opposite side of the river. During the night, some of the oxen strayed off and could not be found the next morning. Our situation became delicate and embarrassing in the extreme. If we proceeded we must incur the risk of starvation, and leave our luggage and artillery behind. The country between us and Bexar is entirely unsettled, and there would be but little hope of obtaining provisions on the route and we would be able only to carry 12 rounds of cartridges each. Every one felt an anxiety to relieve our friends, who we had been informed, had retired to the Alamo, a fortress in Bexar, resolved to hold out, until our arrival. Yet every one saw the impropriety, if not the impossibility of our proceeding under existing circumstances and it was equally apparent to all that our evacuation of Goliad would leave the whole frontier from Bexar to the coast open to the incursions of the enemy, who were then concentrating at Laredo, and the provisions, clothing, military stores, et cetera, at Dimmitt's Landing and Matagorda, perhaps all that were in Texas, would eventually be lost. Intelligence also reached us that the advance of Santa Anna's lower division had surprised San Patricio about 50 miles in front of our position and put the whole garrison under the command of Col. Johnson to the sword. Five of them have reached this place. Col. Johnson is one of them, and they are probably all that have escaped. Capt. Pearson of the Volun-

teers, was killed with several others, after they had surrendered. The war is to be one of extermination. Each party seems to understand that no quarters are to be given or asked. We held a Council of War in the bushes on the bank of the river; and after a calm review of all these circumstances, it was concluded to return to Goliad, and place the Fort in a defensible condition."

Travis's last messages were borne through the besieging lines by John W. Smith on the night of March 3. A letter to the president of the convention gave a report of the siege since February 25:

"COMMANDANCY OF THE ALAMO, BEJAR, March 3d, 1836.

"SIR: In the present confusion of the political authorities of the country, and in the absence of the commander-in-chief, I beg leave to communicate to you the situation of this garrison. You have doubtless already seen my official report of the action of the twenty-fifth ult. made on that day to Gen. Sam. Houston, together with the various communications heretofore sent by express, I shall therefore confine myself to what has transpired since that date.

"From the twenty-fifth to the present date the enemy have kept up a bombardment from two howitzers,—one a five and a half inch, and the other an eight inch,—and a heavy cannonade from two long nine-pounders, mounted on a battery on the opposite side of the river at a distance of four hundred yards from our wall. During this period the enemy have been busily employed in encircling us in with entrenched encampments on all sides, at the following distance, to wit: In Bejar, four hundred yards west; in Lavilleta, three hundred yards south; at the powder house, one thousand yards east of south; on the ditch, eight hundred yards northeast, and at the old mill, eight hundred yards north. Notwithstanding all this, a company of thirty-two men from Gonzales, made their way in to us on the morning of the first inst. at three o'clock, and Colonel J. B. Bonham (a courier from Gonzales) got in this morning at eleven o'clock, without molestation. I have fortified this place, so that the walls are generally proof against cannon balls; and I still continue to entrench on the inside, and strengthen walls by throwing up the dirt. At least two hundred shells have fallen inside of our works without having injured a single man; indeed we have been so fortunate as not to lose a man from any cause, and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. We have contended for ten days against an enemy whose numbers are variously estimated at from fifteen hundred to six thousand men, with General Ramirez Sesma and Colonel Batres, the aid-de-camp, of Santa Anna, at their head. A report was circulated that Santa Anna himself was with the enemy, but I think it was false. A reinforcement of about one thousand men is now entering Bejar, from the west, and I think it more than probable that Santa Anna is now in town, from the rejoicing we hear.

"Col. Fannin is said to be on the march to this place with reinforcements, but I fear it is not true, as I have repeatedly sent to

him for aid without receiving any. Colonel Bonham, my special messenger, arrived at La Bahia fourteen days ago, with a request for aid; and on the arrival of the enemy in Bejar, ten days ago, I sent an express to Colonel F., which arrived at Goliad on the next day, urging him to send us reinforcements; none have yet arrived. I look to the colonies alone for aid; unless it arrives soon, I shall have to fight the enemy on his own terms. I will, however, do the best I can under the circumstances; and I feel confident that the determined valor and desperate courage, heretofore exhibited by my men, will not fail them in the last struggle; and although they may be sacrificed to the vengeance of a Gothic enemy, the victory will cost the enemy so dear, that it will be worse for him than a defeat. I hope your honorable body will hasten on reinforcements, ammunition, and provisions to our aid as soon as possible. We have provisions for twenty days for the men we have. Our supply of ammunition is limited. At least five hundred pounds of cannon powder, and two hundred rounds of six, nine, twelve and eighteen pound balls, ten kegs of rifle powder and a supply of lead, should be sent to the place without delay, under a sufficient guard.

"If these things are promptly sent, and large reinforcements are hastened to this frontier, this neighborhood will be the great and decisive ground. The power of Santa Anna is to be met here, or in the colonies; we had better meet them here than to suffer a war of devastation to rage in our settlements. A blood red banner waves from the church of Bejar, and in the camp above us, in token that the war is one of vengeance against rebels; they have declared us as such; demanded that we should surrender at discretion, or that this garrison should be put to the sword. Their threats have had no influence on me or my men, but to make all fight with desperation, and that high souled courage which characterizes the patriot, who is willing to die in defence of his country's liberty and his own honor.

"The citizens of this municipality are all our enemies, except those who have joined us heretofore. We have but three Mexicans now in the fort; those who have not joined us, in this extremity, should be declared public enemies, and their property should aid in paying the expenses of the war.

"The bearer of this will give your honorable body a statement more in detail, should he escape through the enemy's lines.

"God and Texas—Victory or Death.

Your obedient servant,

W. BARRETT TRAVIS,

"Lieut. Col. Comm."

"P. S. The enemy's troops are still arriving, and the reinforcement will probably amount to two or three thousand. T."

The movements of the Mexicans against the Alamo can be followed in the words of Colonel Almonte, whose diary was found in San Jacinto by Dr. Anson Jones. The first division of Santa Anna's army reached San Antonio on February 23. The Texans were taken by surprise, and retired to the Alamo without resistance. Later, as we have seen from Travis's letter, they were fortunate enough to collect some supplies

within the walls. Almonte's account of the next week's action is as follows:

"Thursday, 25th. The firing from our batteries was commenced early. The General-in-Chief, with the battalion de Cazadores, crossed the river and posted themselves in the Alamo; that is to say, in the houses near the fort. A new fortification was commenced by us near the house of M'Mullen. In the random firing, the enemy wounded four of the Cazadores de Matamoras battalion, and two of the battalion of Ximenes and killed one corporal and a soldier of the battalion of Matamoras. Our fire ceased in the afternoon. In the night two batteries were erected by us on the other side of the river, in the Alameda of the Alamo; the battalion of Matamoras was also posted there, and the cavalry was posted on the hills to the east of the enemy, and in the road from Gonzales at the Casa Mata Antigua. At half-past eleven at night we retired. The enemy in the night burnt the straw and wooden houses in their vicinity, but did not attempt to set fire with their guns to those in our rear. A strong north wind commenced at nine at night.

"Friday, 26th. The northern wind continued very strong; the thermometer fell to 39, and during the rest of the day remained at 60. At daylight there was a slight skirmish between the enemy and a small party of the division of the east, under the command of General Sesma. During the day the firing from our cannon was continued. The enemy did not reply except now and then. At night the enemy burnt the small houses near the parapet of the battalion of San Luis, on the other side of the river. Some sentinels were advanced. In the course of the day the enemy sallied out for wood and water, and were opposed by our marksmen. The northern wind continues.

"Saturday, 27th. Lieutenant Menchard was sent with a party of men for corn, cattle, and hogs, to the farms of Seguin and Flores. It was determined to cut off the water from the enemy on the side next the old mill. There was little firing from either side during the day. The enemy worked hard all day to repair some intrenchments. In the afternoon the President was observed by the enemy, and fired at. In the night a courier was despatched to Mexico, informing the Government of the taking of Bexar.

"Sunday, 28th. News received that a reinforcement of 200 men was coming to the enemy by the road from La Bahia. The cannonading was continued.

"Monday, 29th. In the afternoon, the battalion of Allende took post at the east of the Alamo. The President reconnoitered. At midnight General Sesma left the camp with the cavalry of Dolores and the infantry of Allende, to meet the enemy coming from La Bahia to the relief of the Alamo.

"Tuesday, March 1st. Early in the morning General Sesma wrote from the Mission of Espada that there was no enemy, or traces of any, to be discovered. The cavalry and infantry returned to camp. At twelve o'clock the President went out to reconnoitre the mill site of the northwest of the Alamo. Colonel Ampudia was commissioned to construct more trenches. In the afternoon the enemy fired two twelve-pounds shots at the house of the President, one of which struck it.

"Wednesday, 2nd. Information was received that there was corn at the farm of Seguin, and Lieutenant Menchard with a party sent for it. The President discovered in the afternoon a covered road within pistol-shot of the Alamo, and posted the battalion of Ximenes there.

"Thursday, 3rd. The enemy fired a few cannon and musket shot at the city. I wrote to Mexico, directing my letters to be sent to Bexar—that before three months the campaign would be ended. The General-in-Chief went out to reconnoitre. A battery was erected on the north of the Alamo, within pistol shot. Official despatches were received from Urrea, announcing that he had routed the Colonists of San Patricio, killing sixteen, and taking twenty-one prisoners. The bells were rung. The battalions of Zapadores, Aldama, and Toluca arrived. The enemy attempted a sally in the night, at the sugar mill, but were repulsed by our advance.

"Friday, 4th. Commenced firing early, which the enemy did not return. In the afternoon one or two shots were fired by them. A meeting of Generals and Colonels was held. After a long conference, Cos, Castrillon, and others, were of opinion that the Alamo should be assaulted after the arrival of two twelve-pounders expected on the 7th instant. The President, General Ramirez Sesma, and myself, were of opinion that the twelve-pounders should not be waited for, but the assault made. In this state things remained, the General not coming to any definite resolution."

At two o'clock in the afternoon of March 5 Santa Anna issued secret orders to prepare for storming the Alamo at four o'clock the following morning:

"To the Generals, Chiefs of Sections and Commanding Officers.

"The time has come to strike a decisive blow upon the enemy occupying the Fortress of the Alamo. Consequently, His Excellency, the General-in-Chief, has decided that, to-morrow at 4 o'clock a. m., the columns of attack shall be stationed at musket-shot distance from the first entrenchments, ready for the charge, which shall commence, at a signal to be given with the bugle, from the Northern Battery.

"The first column will be commanded by General Don Martin Prefecto Cos, and, in his absence, by myself.

"The Permanent Battalion of Aldama (except the company of Grenadiers) and the three right centre companies of the Active Battalion of San Luis, will compose this first column.

"The second column will be commanded by Colonel Don Francisco Duque, and, in his absence, by General Don Manuel Fernandez Castrillon; it will be composed of the Active Battalion of Toluca (except the company of Grenadiers) and the three remaining centre companies of the Active Battalion of San Luis.

"The third column will be commanded by Colonel José Maria Romero, and, in his absence by Colonel Mariano Salas; it will be composed of the Permanent Battalions of Matamoras and Jimenes.

"The fourth column will be commanded by Colonel Juan Morales, and, in his absence, by Colonel José Miñon; it will be composed of the

light companies of the Battalions of Matamoras and Jimenes, and of the Active Battalion of San Luis.

"His Excellency, the General-in-Chief, will, in due time, designate the points of attack, and give his instructions to the Commanding Officers.

"The reserve will be composed of the Battalion of Engineers and the five companies of Grenadiers of the Permanent Battalions of Matamoras, Jimenes and Aldama, and the Active Battalions of Toluca and San Luis.

"This reserve will be commanded by the General-in-Chief in person, during the attack; but Colonel Augustin Amat will assemble this party, which will report to him, this evening, at 5 o'clock, to be marched to the designated station.

"The first column will carry ten ladders, two crowbars and two axes; the second, ten ladders; the third, six ladders; and the fourth, two ladders.

"The men carrying the ladders will sling their guns on their shoulders, to be enabled to place the ladders wherever they may be required.

"The companies of Grenadiers will be supplied with six packages of cartridges to every man, and the centre companies with two packages and two spare flints. The men will wear neither overcoats nor blankets, or anything that may impede the rapidity of their motions. The Commanding Officers will see that the men have the chin straps of their caps down, and that they wear either shoes or sandals.

"The troops composing the columns of attack will turn in to sleep at dark; to be in readiness to move at 12 o'clock at night.

"Recruits deficient in instruction will remain in their quarters. The arms, principally the bayonets, should be in perfect order.

"As soon as the moon rises, the centre companies of the Active Battalion of San Luis will abandon the points they are now occupying on the line, in order to have time to prepare.

"The cavalry, under Colonel Joaquin Ramirez y Sesma, will be stationed at the Alameda, saddling up at 3 o'clock a. m. It shall be its duty to scout the country, to prevent the possibility of an escape.

"The honor of the nation being interested in this engagement against the bold and lawless foreigners who are opposing us, His Excellency expects that every man will do his duty, and exert himself to give a day of glory to the country, and of gratification to the Supreme Government, who will know how to reward the distinguished deeds of the brave soldiers of the Army of Operations."

Santa Anna's official report to the war department of the fall of the Alamo is in some particulars undoubtedly false—as, for example, in the numbers which he gives—but with full allowance for misrepresentations, it pictures a thrilling engagement:

"Most Excellent Sir: Victory belongs to the army, which, at this very moment, 8 o'clock a. m., achieved a complete and glorious triumph that will render its memory imperishable.

"As I had stated in my report to Your Excellency of the taking of

this city, on the 27th of last month, I awaited the arrival of the 1st Brigade of Infantry to commence active operations against the Fortress of the Alamo. However, the whole Brigade having been delayed beyond my expectation, I ordered that three of its Battalions, viz., the Engineers—Aldama and Toluca—should force their march to join me. These troops together with the Battalions of Matamoras, Jimenes and San Luis Potosi, brought the force at my disposal, recruits excluded, up to 1,400 Infantry. This force, divided into four columns of attack, and a reserve, commenced the attack at 5 o'clock a. m. They met with a stubborn resistance, the combat lasting more than one hour and a half, and the reserve having to be brought into action.

"The scene offered by this engagement was extraordinary. The men fought individually, vieing with each other in heroism. Twenty-one pieces of artillery, used by the enemy with the most perfect accuracy, the brisk fire of musketry, which illuminated the interior of the Fortress and its walls and ditches, could not check our dauntless soldiers, who are entitled to the consideration of the Supreme Government, and to the gratitude of the nation.

"The Fortress is now in our power, with its artillery, stores, etc. More than 600 corpses of foreigners were buried in the ditches and intrenchments, and a great many, who had escaped the bayonet of the infantry, fell in the vicinity under the sabres of the cavalry. I can assure Your Excellency that few are those who bore to their associates the tidings of their disaster.

"Among the corpses are those of Bowie and Travis, who styled themselves Colonels, and also that of Crockett, and several leading men, who had entered the Fortress with dispatches from their Convention. We lost about 70 men killed and 300 wounded, among whom are 25 officers. The cause for which they fell renders their loss less painful, as it is the duty of the Mexican soldier to die for the defense of the rights of the nation; and all of us were ready for any sacrifice to promote this fond object; nor will we hereafter, suffer any foreigners, whatever their origin may be, to insult our country and to pollute its soil.

"I shall, in due time, send to Your Excellency a circumstantial report of this glorious triumph. Now I have only time to congratulate the nation and the President ad interim, to whom I request you to submit this report.

"The bearer takes with him one of the flags of the enemy's Battalions, captured to-day. The inspection of it will show plainly the true intention of the treacherous colonists, and of their abettors, who came from the ports of the United States of the North.

"God and Liberty!

"Headquarters, Bexar, March 6th, 1836.

"ANTONIO LOPEZ DE SANTA ANNA."

"To His Excellency, the Secretary of War and Navy, General José Maria Tornel."

Francisco Ruiz, the alcalde of San Antonio, gives some important additional details. He says:

"On the 6th March (1836) at 3 a. m., General Santa Anna at the head of 4,000 men advanced against the Alamo. The infantry, artillery and cavalry had formed about 1,000 varas from the walls of the same fortress. The Mexican army charged and were twice repulsed by the deadly fire of Travis's artillery, which resembled a constant thunder. At the third charge the Toluca battalion commenced to scale the walls and suffered severely. Out of 830 men only 130 were left live.

"When the Mexican army entered the walls, I with the political chief, Don Ramon Musquiz and other members of the corporation, accompanied by the curate, Don Refugio de la Garza, who by Santa Anna's orders had assembled during the night at a temporary fortification on Protero Street, with the object of attending the wounded, etc. As soon as the storming commenced we crossed the bridge on Commerce street, with this object in view and about 100 yards from the same a party of Mexican dragoons fired upon us and compelled us to fall back on the river and the place we occupied before. Half an hour had elapsed when Santa Anna sent one of his aides-de-camp with an order for us to come before him. He directed me to call on some of the neighbors to come with carts to carry the (Mexican) dead to the cemetery and to accompany him, as he was desirous to have Col. Travis, Bowie, and Crockett shown to him.

"On the north battery of the fortress convent, lay the lifeless body of Col. Travis on the gun carriage, shot only through the forehead. Towards the west, and in a small fort opposite the city, we found the body of Col. Crockett. Col. Bowie was found dead in his bed in one of the rooms on the south side.

"Santa Anna, after all the Mexican bodies had been taken out, ordered wood to be brought to burn the bodies of the Texans. He sent a company of dragoons with me to bring wood and dry branches from the neighboring forests. About three o'clock in the afternoon of March 6, we laid the wood and dry branches upon which a pile of dead bodies were placed, more wood was piled on them and another pile of bodies was brought and in this manner they were all arranged in layers. Kindling wood was distributed through the pile and about 5 o'clock in the evening it was lighted.

"The dead Mexicans of Santa Anna were taken to the grave-yard, but not having sufficient room for them, I ordered some to be thrown into the river, which was done on the same day.

"The gallantry of the few Texans who defended the Alamo was really wondered at by the Mexican army. Even the generals were astonished at their vigorous resistance and how dearly victory was bought.

"The generals, who under Santa Anna participated in the storming of the Alamo, were Juan Amador, Castrillon, Ramirez y Sesma and Andrade."

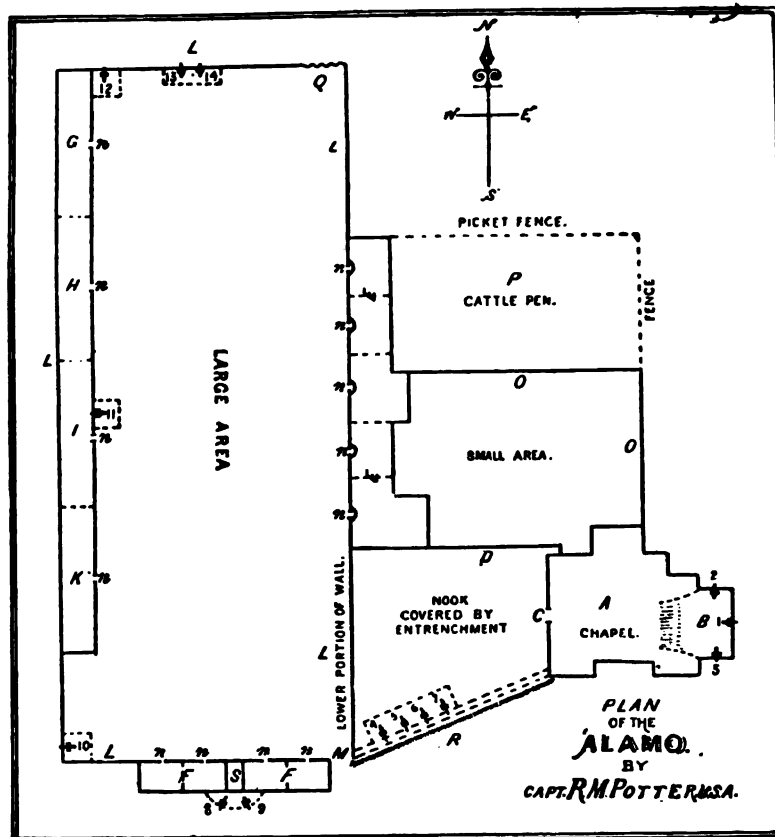
"The men [Texans] burnt were one hundred and eighty-two. I was an eye-witness, for as Alcalde of San Antonio, I was, with some of the neighbors, collecting the dead bodies and placing them on the funeral pyre."

"FRANCIS ANTONIO RUIZ."

The most thorough study of the fall of the Alamo which has yet been made was published by Captain R. M. Pötter in 1878, and the extracts which follow are from his study:

"The fall of the Alamo and the massacre of its garrison, which in 1836 opened the campaign of Santa Anna in Texas, caused a profound sensation throughout the United States, and is still remembered with deep feeling by all who take an interest in the history of that section; yet the details of the final assault have never been fully and correctly narrated, and wild exaggerations have taken their place in popular legend. The reason will be obvious when it is remembered that not a single combatant of the last struggle from within the fort survived to tell the tale, while the official reports of the enemy were neither circumstantial nor reliable. When horror is intensified by mystery, the sure product is romance. A trustworthy account of the assault could be compiled only by comparing and combining the verbal narratives of such of the assailants as could be relied on for veracity, and adding to this such lights as might be gathered from military documents of that period, from credible local information, and from any source more to be trusted than rumor. As I was a resident at Matamoros when the event occurred, and for several months after the invading army retreated thither, and afterwards resided near the scene of action, I had opportunities for obtaining the kind of information referred to better perhaps than have been possessed by any person now living outside of Mexico. I was often urged to publish what I had gathered on the subject, as thereby an interesting passage of history might be preserved. I consequently gave to the *San Antonio Herald* in 1860 an imperfect outline of what is contained in this article, and the communication was soon after printed in pamphlet form. Subsequently to its appearance, however, I obtained many additional and interesting details, mostly from Colonel Juan N. Seguin of San Antonio, who had been an officer of the garrison up to within six days of the assault. His death, of which I have since heard, no doubt took away the last of those who were soldiers of the Alamo when it was first invested. I now offer these sheets as a revision and enlargement of my article of 1860.

"Before beginning the narrative, however, I must describe the Alamo and its surroundings as they existed in the spring of 1836. San Antonio, then a town of about 7,000 inhabitants, had a Mexican population, a minority of which was well affected to the cause of Texas, while the rest were inclined to make the easiest terms they could with whichever side might be for the time being dominant. The San Antonio River, which, properly speaking, is a large rivulet, divided the town from the Alamo, the former on the west side and the latter on the east. The Alamo village, a small suburb of San Antonio, was south of the fort, or Mission, as it was originally called, which bore the same name. The latter was an old fabric, built during the first settlement of the vicinity by the Spaniards; and having been originally designed as a place of safety for the colonists and their property in case of Indian hostility, with room sufficient for that purpose, it had neither the strength, compactness, nor dominant points which ought to belong



to a regular fortification. The front of the Alamo Chapel bears date of 1757, but the other works must have been built earlier. As the whole area contained between two and three acres, a thousand men would have barely sufficed to man its defenses; and before a regular siege train they would soon have crumbled. Yoakum, in his history of Texas, is not only astray in his details of the assault, but mistaken about the measurement of the place. Had the works covered no more ground than he represents, the result of the assault might have been different.

"From recollection of the locality, as I viewed it in 1841, I could in 1860 trace the extent of the outer walls, which had been demolished about thirteen years before the latter period. The dimensions here given are taken from actual measurement then made; and the accompanying diagram gives correct outlines, though without aiming at close exactitude of scale. The figure *A* in the diagram represents the chapel of the fort, 75 feet long, 62 wide, and $22\frac{1}{2}$ high, with walls of solid masonry, four feet thick. It was originally of but one story, and if it then had any windows below, they were probably walled up when the place was prepared for defense. *B* locates a platform in the east end of the chapel. *C* designates its door; and *D* marks a wall, 50 feet long and about 12 high, connecting the chapel with the long barrack, *EE*. The latter was a stone house of two stories, 186 feet long, 18 wide, and 18 high. *FF* is a low, one-story stone barrack, 114 feet long and 17 wide, having in the centre a *porte-cochère*, *S*, which passed through it under the roof. The walls of these two houses were about thirty inches thick, and they had flat terrace roofs of beams and plank, covered with a thick coat of cement. *GHIK* were flat-roofed, stone-walled rooms built against the inside of the west barrier. *LLLLL* denote barrier walls, enclosing an area, 154 yards long and 54 wide, with the long barrack on the east and the low barrack on the south of it. These walls were $2\frac{3}{4}$ feet thick, and from 9 to 12 high, except the strip which fronted the chapel, that being only four feet in height. This low piece of wall was covered by an oblique intrenchment, marked *R*, and yet to be described, which ran from the southwest angle of the chapel to the east end of the low barrack. *M* marks the place of a palisade gate at the west end of the intrenchment. The small letters (*n*) locate the doors of the several rooms which opened upon the large area. Most of those doors had within a semicircular parapet for the use of marksmen, composed of a double curtain of hides, upheld by stakes and filled in with rammed earth. Some of the rooms were also loopholed. *OO* mark barrier walls, from 5 to 6 feet high and $2\frac{3}{4}$ thick, which enclosed a smaller area north of the chapel and east of the long barrack. *P* designates a cattle yard east of the barrack and south of the small area; it was enclosed by a picket fence. *Q* shows the locality of a battered breach in the north wall.

"The above-described fort, if it merited that name, was, when the siege commenced, in the condition for defense in which it had been left by the Mexican general, Cos, when he capitulated in the fall of 1835. The chapel, except the west end and north projection, had been unroofed, the east end being occupied by the platform of earth *B*, 12 feet high, with a slope for ascension to the west. On its level were mounted three

pieces of cannon. One (1), a 12-pounder, pointed east through an embrasure roughly notched in the wall; another (2) was aimed north through a similar notch; and another (3) fired over the wall to the south. High scaffolds of wood enabled marksmen to use the top of the roofless wall as a parapet. The intrenchment (*R*) consisted of a ditch and breastwork, the latter of earth packed between two rows of palisades, the outer row being higher than the earthwork. Behind it and near the gate was a battery of four guns (4 5 6 7), all 4-pounders, pointing south. The *porte-cochère* through the low barrack was covered on the outside by a lunette of stockades and earth, mounted with two guns (8 9). In the southwest angle of the large area was an 18-pounder (10), in the centre of the west wall a twelve-pound carronade (11), and in the northwest corner of the same area an 8-pounder (12), and east of this, within the north wall, two more guns of the same calibre (13 14). All the guns of this area were mounted on high platforms of stockades and earth, and fired over the walls. The several barriers were covered on the outside with a ditch, except where such guard was afforded by the irrigating canal, which flowed on the east and west sides of the fort and served to fill the fosse with water.

"Thus the works were mounted with fourteen guns, which agrees with Yoakum's account of their number, though Santa Anna in his report exaggerates it to twenty-one. The number, however, has little bearing on the merits of the final defense, with which cannon had very little to do. These guns were in the hands of men unskilled in their use, and owing to the construction of the works most of them had little width of range. Of the buildings above described, the chapel and the two barracks are probably still standing. They were repaired and newly roofed during the Mexican war for the use of the United States Quartermaster's department. . . .

"On the 4th of March Santa Anna called a council of war, and fixed on the morning of the 6th for the final assault. The besieging force now around the Alamo, comprising all the Mexican troops which had yet arrived, consisted of the two dragoon regiments of Dolores and Tampico, which formed a brigade, commanded by General Andrade, two companies or batteries of artillery under Colonel Ampudia, and six battalions of infantry, namely, Los Zapadores (engineer troops), Jimenes, Guerrero, Matamoros, Toluca, and Tres Villas. These six battalions of foot were to form the storming forces. The order for the attack, which I have read, but have no copy of, was full and precise in its details, and was signed by General Amador, as Chief of Staff. The infantry were directed at a certain hour between midnight and dawn to form at convenient distances from the fort in four columns of attack and a reserve. These dispositions were not made by battalions, for the light companies of all were incorporated with the Zapadores to form the reserve, and other transpositions were made. A certain number of scaling ladders, axes, and fascines were to be borne by particular columns. A commanding officer, with a second to replace him in case of accident, was named, and a point of attack designated for each column. The cavalry were to be stationed at suitable points around the fort to cut off fugitives. From what I have learned from men engaged in the assault, it seems that these dispositions were modified before it

was carried out so as to combine the five bodies of infantry, including the reserve, into only three columns of attack, thus leaving no actual reserve but the cavalry. The immediate direction of the assault seems to have been intrusted to General Castrillon, a Spaniard by birth and a brilliant soldier. Santa Anna took his station, with a part of his staff and all the bands of music, at a battery about five hundred yards south of the Alamo and near the old bridge, from which post a signal was to be given by a bugle-note for the columns to move simultaneously at double-quick time against the fort. One, consisting of Los Zapadores, Toluca, and the light companies, and commanded by Castrillon, was to rush through the breach on the north; another, consisting of the battalion of Jimenes and other troops, and commanded by General Cos, was to storm the chapel; and a third, whose leader I do not recollect, was to scale the west barrier. Cos, who had evacuated San Antonio a year before under capitulation, was assigned to the most difficult point of attack, probably to give him an opportunity to retrieve his standing. By the timing of the signal it was calculated that the columns would reach the foot of the wall just as it should become sufficiently light for good operation.

"When the hour came, the south guns of the Alamo were answering the batteries which fronted them; but the music was silent till the blast of a bugle was followed by the rushing tramp of soldiers. The guns of the fort opened upon the moving masses, and Santa Anna's bands struck up the assassin note of *deguello*, or no quarter. But a few and not very effective discharges of cannon from the works could be made before the enemy were under them, and it was probably not till then that the worn and wearied garrison was fully mustered. Castrillon's column arrived first at the foot of the wall, but was not the first to enter. The guns of the north, where Travis commanded in person, probably raked the breach, and this or the fire of the riflemen brought the column to a disordered halt, and Colonel Duque, who commanded the battalion of Toluca, fell dangerously wounded; but, while this was occurring, the column from the west crossed the barrier on that side by escalade at a point north of the centre, and, as this checked resistance at the north, Castrillon shortly after passed the breach. It was probably while the enemy was thus pouring into the large area that Travis fell at his post, for his body, with a single shot in the forehead, was found beside the gun at the northwest angle. The outer walls and batteries, all except one gun, of which I will speak, were now abandoned by the defenders. In the meantime Cos had again proved unlucky. His column was repulsed from the chapel, and his troops fell back in disorder behind the old stone stable and huts that stood south of the southwest angle. There they were soon rallied and led into the large area by General Amador. I am not certain as to his point of entrance, but he probably followed the escalade of the column from the west.

"This all passed within a few minutes after the bugle sounded. The garrison, when driven from the thinly manned outer defences, whose early loss was inevitable, took refuge in the buildings before described, but mainly in the long barrack; and it was not until then, when they became more concentrated and covered within, that the main

struggle began. They were more concentrated as to space, not as to unity of command; for there was no communicating between buildings, nor, in all cases, between rooms. There was little need of command, however, to men who had no choice left but to fall where they stood before the weight of numbers. There was now no retreating from point to point, and each group of defenders had to fight and die in the den where it was brought to bay. From the doors, windows, and loopholes of the several rooms around the area the crack of the rifle and the hiss of the bullet came fierce and fast; as fast the enemy fell and recoiled in his first efforts to charge. The gun beside which Travis fell was now turned against the buildings, as were also some others, and shot after shot was sent crashing through the doors and barricades of the several rooms. Each ball was followed by a storm of musketry and a charge; and thus room after room was carried at the point of the bayonet, when all within them died fighting to the last. The struggle was made up of a number of separate and desperate combats, often hand to hand, between squads of the garrison and bodies of the enemy. The bloodiest spot about the fort was the long barrack and the ground in front of it, where the enemy fell in heaps.

"Before the action reached this stage, the turning of Travis' gun by the assailants was briefly imitated by a group of the defenders. 'A small piece on a high platform,' as it was described to me by General Bradburn, was wheeled by those who manned it against the large area after the enemy entered it. Some of the Mexican officers thought it did more execution than any gun which fired outward; but after two effective discharges it was silenced, when the last of its cannoneers fell under a shower of bullets. I cannot locate this gun with certainty, but it was probably the twelve-pound carronade which fired over the centre of the west wall from a high commanding position. The smallness assigned to it perhaps referred only to its length. According to Mr. Ruiz, then the Alcalde of San Antonio, who, after the action, was required to point out the slain leaders to Santa Anna, the body of Crockett was found in the west battery just referred to; and we may infer that he either commanded that point or was stationed there as a sharpshooter. The common fate overtook Bowie in his bed in one of the rooms of the low barrack, when he probably had but a few days of life left in him; yet he had enough remaining, it is said, to shoot down with his pistols more than one of his assailants ere he was butchered on his couch. If he had sufficient strength and consciousness left to do it, we may safely assume that it was done.

"The chapel, which was the last point taken, was carried by a *coup de main* after the fire of the other buildings was silenced. Once the enemy in possession of the large area, the guns of the south could be turned to fire into the door of the church, only from fifty to a hundred yards off, and that was probably the route of attack. The inmates of this last stronghold, like the rest, fought to the last, and continued to fire down from the upper works after the enemy occupied the floor. A Mexican officer told of seeing one of his soldiers shot in the crown of the head during this *mêlée*. Towards the close of the struggle Lieutenant Dickenson, with his child in his arms, or as some accounts say, tied to his back, leaped from the east embrasure of the chapel, and

both were shot in the act. Of those he left behind him, the bayonet soon gleaned what the bullet had left; and in the upper part of that edifice the last defender must have fallen. The morning breeze which received his parting breath probably still fanned his flag above that fabric, for I doubt not he fell ere it was pulled down by the victors.

"The Alamo had fallen; but the impression it left on the invader was the forerunner of San Jacinto. It is a fact not often remembered that Travis and his band fell under the Mexican Federal flag of 1824, instead of the Lone Star of Texas, although Independence, unknown to them, had been declared by the new Convention four days before at Washington, on the Brazos. They died for a Republic of whose existence they never knew. The action, according to Santa Anna's report, lasted thirty minutes. It was certainly short, and possibly no longer time passed between the moment the enemy entered the breach and that when resistance died out. The assault was a task which had to be carried out quickly or fail. Some of the incidents which have to be related separately occurred simultaneously, and all occupied very little time. The account of the assault which Yoakum and others have adopted as authentic is evidently one which popular tradition has based on conjecture. By a rather natural inference it assumes that the enclosing walls, as in the case of regular forts, were the principal works, and that in storming these the main conflict took place. The truth was, these extensive barriers formed in reality nothing more than the out-works, speedily lost, while the buildings within constituted the citadel and the scene of sternest resistance. Yoakum's assertion that Santa Anna, during the height of the conflict, was under the works, urging on the escalade in person, is exceedingly fabulous. Castrillon, not Santa Anna, was the soul of the assault. The latter remained at his south battery, viewing the operations from the corner of a house which covered him, till he supposed the place was nearly mastered, when he moved up towards the Alamo, escorted by his aids and bands of music, but turned back on being greeted by a few shots from the upper part of the chapel. He, however, entered the area towards the close of the scene, and directed some of the last details of the butchery. It cannot be denied that Santa Anna in the course of his career showed occasional fits of dashing courage, but he did not select this field for an exhibition of that quality. About the time the area was entered, a few men, cut off from inward retreat, leaped from the barriers, and attempted flight, but were all sabred or speared by the cavalry except one, who succeeded in hiding himself under a small bridge of the irrigating ditch. There he was discovered and reported a few hours after by some laundresses engaged in washing near the spot. He was executed. Half an hour or more after the action was over a few men were found concealed in one of the rooms under some mattresses. General Houston, in his letter of the 11th, says as many as seven; but I have generally heard them spoken of as only four or five. The officer to whom the discovery was first reported entreated Santa Anna to spare their lives; but he was sternly rebuked, and the men ordered to be shot, which was done. Owing to the hurried manner in which the mandate was obeyed, and the confusion prevailing at the moment, a Mexican soldier was accidentally killed with them. A negro belonging to Travis, the wife of Lieu-

tenant Dickenson, who at the time was *enceinte*, and a few Mexican women with their children were the only inmates of the fort whose lives were spared. The massacre involved no women and but one child. Lieutenant Dickenson commanded the gun at the east embrasure of the chapel. His family was probably in one of the small vaulted rooms of the north projection, which will account for his being able to take his child to the rear of the building when it was being stormed. An irrigating canal ran below the embrasure, and his aim may have been to break the shock of his leap by landing in the mud of that waterless ditch, and then try to escape, or he may have thought that so striking an act would plead for his life; but the shower of bullets which greeted him told how vain was the hope. The authenticity of this highly dramatic incident has been questioned, but it was asserted from the first, and was related to me by an eye-witness engaged in the assault.²

"It was asserted on the authority of one of the women that, while the church was being stormed, Major Evans, the Master of Ordnance, rushed with a torch or burning match towards the magazine of the fort to fire it, when he was shot down before his object was accomplished. It may seem unlikely that any of the women would be in a position to witness such an incident, but they may have been put into the magazine as a place most sheltered from the enemy's shots. The powder was probably stored in the little vaulted room on the north of the chapel which I have just referred to.³

"There were two officers of the name just mentioned in the garrison of the Alamo, Major Robert Evans, Master of Ordnance, an Irishman, and Captain J. B. Evans, of Texas, a nephew of General Jacob Brown, who formerly commanded the United States army.

"I must now endeavor to approximate as nearly as can be done by inference, for I have no direct data, to the number of troops engaged in the assault and the amount of their loss,—matters which have been the subject of absurd perversion on both sides. The old popular tale of Texas that the Alamo was stormed by ten thousand men, of whom a thousand or more were killed, shows how rapidly legend may grow up

² I had for several years in Texas as a servant one of the Mexican soldiers captured at San Jacinto, Sergeant Becero, of the battalion of Matamoras. He was in the assault, and witnessed Dickenson's leap. He also saw the body of Bowie on his bed, where he had been killed, and witnessed the execution of the few men who were found in concealment after the action was over. He did not know the names of Bowie or Dickenson, and related the circumstances, not in reply to inquiries, but in a natural way as recollections in narrating his experience. Many absurd stories about the admissions made by Mexicans touching the force of the assailants and the amount of their loss at the Alamo are based on sycophantic statements, drawn by leading questions from prisoners of the lower class.

³ In 1841 the husband of one of the Mexican women who were with the garrison during the siege and assaults pointed out to me the vaulted room referred to, and observed, "During the fight and massacre five or six women stood in that room all in a huddle." He was an intelligent man, but so given to embellishing whatever he related that I did not then rely much on his information; but I have since called it to mind in connection with what is above said. This man did not refer to Evans' attempt, nor did he say that the cell referred to was used for storing powder, but, according to my recollections, it was the most fitting place for a magazine which I saw about the Alamo.

even in this age, and the belief which has been given to it is worthy of an era when miracles were considered frequent. The entire force with which Santa Anna invaded Texas in 1836, and which after his defeat he rated at 6,000 men, probably amounted to 7,500, or 8,500, as it consisted of seventeen corps; viz., three regiments of horse and fourteen battalions of foot. It is proper here to observe that the Mexicans apply the term regiment only to cavalry corps, a Colonel's command of infantry being always called a battalion. The nominal complement of a regiment or battalion is 1,500; but I never heard of one that was full, and seldom saw one during my long residence in Mexico that contained as much as a third of that number. I doubt if it is considered convenient ever to swell one to over 500 men; for the host of officers who have sufficient influence to obtain commands can be supplied only by keeping up the number of corps at the expense of their fulness. I saw all the corps composing the said army when it retreated from Texas to Matamoros after the campaign of 1836, and from the size of those which had not been in action, as well as from the remaining bulk of those which had suffered, after allowing for probable loss, I am convinced that their average strength when they entered Texas was short of 500 men each, and that the smaller of the two amounts I have assigned to the aggregate is most likely to be true.

"This estimate applies especially to the six battalions of infantry which formed the assaulting force of the Alamo. They may possibly have numbered 3,000 men; but from the best information and inference I have been able to gather, I believe that their aggregate did not exceed and may have fallen short of 2,500. Santa Anna's invariable practice was to exaggerate his force before an action, by way of threat, and to underrate it after, whether to excuse defeat or magnify victory; and in accordance with this trickery, in his report of the taking of the Alamo, he sets down his storming force at 1,400, his loss of 60 killed and 300 wounded, and the number of the garrison all told and all killed at 600. Where the slaughter was wrought by good fire-arms in good hands at close quarters there would hardly be such disparity between the number of killed and wounded. The probability is that he struck off an even thousand from the round numbers of the assaulters and a hundred or two from the number of his killed, while he made out as big a butchery of rebels as Mexican credulity would swallow. If we correct his falsification on this assumption, he had in the assault 2,400, and lost in killed and wounded 460 or 560. Anselmo Borgara, a Mexican, who first reported the fall of the Alamo to General Houston, at Gonzales, having left San Antonio the evening after it occurred, stated that the assaulting force amounted to 2,300 men, of whom 521 were killed and as many wounded. He had probably found means of ascertaining with approximate correctness the number of infantry at San Antonio; but his report of the loss has evidently acquired its bulk by the process of doubling. Neither Mexican troops nor any others are apt to take forts with a loss of more than two-fifths of their number. He had probably heard of 521 as the total of killed and wounded, and then converted the whole into the former and supposed an equal amount of the latter. The odd numbers attached to the hundreds, and the limits which probability would assign to a large loss, favor the belief that he had heard the result

of an actual count of the whole deficit. This analysis of falsehood may not be a very sure way of finding out truth, but it is not without value when it has some corroboration. The Mexican officers captured at San Jacinto, including Santa Anna's secretary, as I was told by Colonel Seguin, were generally of the opinion that the loss at the Alamo in killed and wounded was about 500. Some rated it lower, and others higher; and one, but only one, went as high as 700. The opinions of such enlisted men as I have conversed with were about the same as those of the officers, ranging from four to six hundred. Nothing is more apt to make an exaggerated impression on the casual view than a field of slaughter, and I think that the higher of the above estimates may be errors of that kind. General Bradburn, who was at the scene of action soon after it occurred, believed that the eventual loss to the service (killed and disabled for life) would be 300. This I consider equivalent to 500 killed and wounded, and it is my opinion that the Mexican loss at the Alamo differed little from that number.

"Now, if 500 men were bullet-stricken by 180 in half an hour or little more, it was a rapidity of bloodshed which needs no exaggeration; but it may require strong proofs to save it from the imputation of fiction, for defenders of better forts than the Alamo seldom slay many times more than their own number, unless they possess extraordinary means or opportunities for destruction. The slaughter was not in this case the carnage of unresisted pursuit, like that of San Jacinto, nor the sweeping havoc of cannon under favorable circumstances, like that of Sandusky. The main element of defence was the individual valor and skill of men who had few advantages of fortification, ordnance, discipline, or command. All their deficiencies, which were glaring, serve only to enhance the merit of individuality, in which no veterans could have excelled them. It required no ordinary bravery, even in greatly superior numbers, to overcome a resistance so determined. The Mexican troops displayed more of it in this assault than they have done on almost any other occasion; but it must be remembered that better troops than those of Santa Anna always fail under loss as heavy as romance often assigns to the assailants of the Alamo.

"If we owe to departed heroes the duty of preserving their deeds from oblivion, we ought to feel as strongly that of defending their memory against the calumnious effect of false eulogy, which in time might cause their real achievements to be doubted."

CHAPTER XXII

JOHNSON AND GRANT AND FANNIN

Soon after the fall of San Antonio, Colonel Gonzales, a former federal officer, but who had joined the Texans and obtained authority to raise men and annoy the enemy in every way he could, arrived with some hundred Mexican adherents. During his stay at San Antonio, it was agreed that such of the force then in San Antonio as would volunteer should join him in an expedition against Matamoras, Gonzales assuring us that he would be able, in a short time, to augment his force to one thousand or more men, from the Rio Grande settlements. He left, after promising to keep us informed of his movements, and to establish a plan of rendezvous. That was the last we heard of him.

Impressed with the importance of occupying and holding Matamoras, and thus transferring the war into the enemy's country, as well as giving employment to the volunteer troops, Colonel Johnson repaired to San Felipe to lay it before, and get the authority of, the Provisional Government to make the campaign. Colonel Grant, in the meantime, raised a force of such as would volunteer, and marched to Goliad, and thence to Refugio, at which place Colonel Johnson joined him, after getting the authority of the Government to make the expedition. Colonel Fannin was also authorized to ship the "Georgia Battalion," then at the mouth of the Brazos, and but recently arrived, to Copano, for the same purpose.

Fannin and the troops arrived in due time and, after being elected Colonel, and coming to an understanding with Colonels Johnson and Grant, he marched to Goliad, where he was joined by other volunteers, which increased his force to some five hundred men.

Johnson and Grant proceeded to San Patricio on the Nueces river, where they remained some time reconnoitering and scouring the country around, capturing a small Mexican force, which was released on parole. The officer commanding was allowed the privilege of the camp on his word of honor not to leave. He, however, soon deserted and joined Urrea at Matamoras.

Soon after this, Johnson and Grant crossed the Nueces, and advanced to Rio Colorado, on the road to Matamoras, for the purpose of getting horses to mount a cavalry force, an arm much needed by Fannin. They succeeded in obtaining horses sufficient to mount at least one hundred men.

While lying at San Patricio we had been joined by Daniel J. Toler, a partner of Colonel Grant, who, when the State Congress adjourned, went to Parras for the purpose of looking after their estate and informed

us that, on his way to Texas, he saw Santa Anna and his army at Saltillo, which he estimated at some eight or ten thousand men of all arms. This information was immediately communicated to Colonel Fannin.

On our return march, Colonel Grant, learning that there were a number of horses and mules at no great distance below the road, suggested the propriety of securing them. In this he was seconded by Major Morris. Colonel Johnson was opposed to it, and urged as reasons: first, that the enemy were advised of our neighborhood; secondly, that we had a sufficient number of horses. However, as the command was pretty equally divided it was agreed that Grant and Morris, with about one-half the force—some seventy men,—should secure the animals. Johnson, and the other part of the force, returned to San Patricio, there to await Grant and Morris.

On the night of the second day after our arrival at San Patricio, we were surprised and attacked by Urrea's advance. After a short struggle, all were put to the sword, except Colonel Johnson, David J. Toler, John H. Love, of Georgia, and Miller, of South Carolina. At the time we were rooming together, and had been joined by a Frenchman, a merchant of Matamoras. The house was soon surrounded, and an order given to open the door; there being no light in the house, the officer ordered a light to be made. Toler, who spoke the Castilian well, kept the officer in conversation while he pretended to be complying with the order. While thus engaged, fortunately for the inmates of the house, a fire was opened on the street in front, whether at a squad of their own men or at Texans is not known. This drew those in the rear of the house to the front. Apprised of this, Colonel Johnson gave the order to open the rear door, and to pass out, and escape if we could. The order was promptly obeyed; and the party escaped in safety to Goliad after some suffering and fatigue. The first night we stopped near Refugio, where we were joined by one of our companions—Beck, and by one or two at Goliad, who, like ourselves, had escaped from San Patricio.

After this affair, Grant and his command, near Agua Dulce, some twenty-five miles west of San Patricio, was attacked and after a desperate resistance overcome and put to the sword, only one—R. R. Brown, of Georgia, being made a prisoner. Two escaped, Skurlock, of eastern Texas, and Placido Benavides, a Mexican, who gave us the first information of the bloody tragedy. Brown was taken to Matamoras, but subsequently escaped.

In 1858 Brown wrote for the Editors of the Texas Almanac an account of the Johnson and Grant expedition from the time it left San Antonio, and since he was the only survivor of Grant's party his narrative is inserted here in full:

“Editors Texas Almanac:

“In compliance with your request, I proceed to give you the facts in relation to the expedition, under Colonels Johnson and Grant, which set out from San Antonio in December, 1835; and I do this the more willingly because I have seen many erroneous statements in regard to that expedition. I arrived in San Antonio the second day after the

capitulation of Cos, in company with High and John H. Love, all of us Georgians, having come through from Nacogdoches. The Texans who had aided in taking San Antonio, had all left for their homes, and we found there United States volunteers numbering some four hundred and sixty, who were then proposing an expedition to take Matamoras, and in three or four days after our arrival the expedition was fully organized, and we joined it. Col. Francis W. Johnson was elected to command, while Dr. James M. Grant was elected Lieutenant-Colonel, and Capt. Robt. Morris, of the New Orleans Grays, was elected Major; and, in his place, Capt. Wm. G. Cooke was elected to command the Grays. Another company was commanded by Capt. Pearson, who had been connected with a theatre in New Orleans, and another by Capt. Llewellyn. I do not remember the commanders of the other companies. The whole number of men was about four hundred. The expedition soon set out for Goliad, leaving Col. Neill in command of the Alamo with some sixty men. I believe Travis, Crockett, and others had not yet arrived. Major Bonham, of South Carolina, proceeded with us to Goliad, but returned to the Alamo, as he had received some appointment from Travis. Having arrived at the Cibolo, we learned that a Convention had been called to meet at San Felipe, and we elected two delegates to represent us—one of them a Mr. Conrad. Having reached Goliad, after a march of six or seven days, we there found Capt. Phillip Dimmit in command of a company, and in a day or two after he raised the flag of independence—the first, I believe, that was ever unfurled in Texas. There was not then probably a dozen in our expedition in favor of that measure. When we set out from San Antonio, we expected to join Col. Fannin, who, we heard, had arrived in Matagorda Bay with about one thousand men. It was arranged to join him at Copano, to which place he was to proceed by a steamer from Matagorda Bay. Three or four days after our arrival at Goliad, Gen. Houston and Col. Hockley, with some five or six others, came there, Gen. Houston then proclaiming himself strongly in favor of the expedition to take Matamoras. After remaining in Goliad about a week, we proceeded to the Mission of Refugio, in order to be nearer to Fannin on his arrival at Copano, and Gen. Houston and his half a dozen companions followed us there. But after reaching that place he made a strong speech against the proposed expedition to Matamoras, and some of us then attributed his change of opinion in regard to that measure to the fact that he found Fannin would be chosen to command the expedition. However this may be, Houston succeeded in detaching a large portion of the men who had joined us, so that we found but sixty-four left who were willing to go. With this small number we proceeded to San Patricio, most of the New Orleans Grays having left, and Captains Pearson and Llewellyn having only a part of their companies. As there were not probably half a dozen of us who lived to return, I will give the names of all I remember, namely: Colonels Johnson and Grant, Major Robert Morris, Daniel J. Toler, Dr. Hoyt, of South Carolina, Dr. Hart, of New Orleans, John H. Love, James M. Miller, nephew of Gov. Stephen Miller, of South Carolina, — Cass, of Philadelphia, — Carpenter, of Tennessee, Francis, a Creole of Louisiana, Langanhein, a German, Scurlock and — Jones. We received information from Fannin that

he would be at Copano as soon as possible, but had been unavoidably detained in Matagorda Bay; and he wished us to collect together as many horses as possible to enable him to mount his men. For this purpose, and in order to scout the country, we divided our men into two parties, one of which remained in San Patricio under Col. Johnson, while the other proceeded westward in search of horses, etc., under Col. Grant. I went out with this party. Having reached the Sal Colorado, about sixty miles from San Patricio, we fell in with some half a dozen Mexicans guarding three or four hundred head of horses that had been sent out there to be recruited for the service of Urrea's division of the invading army, then preparing to set out. We ascertained that Rodrigues, their Captain, was encamped near by with a small force, and we made the men guarding the horses (whom we took prisoners) guide us to the camp of Rodrigues, which we reached by going in single file by a narrow pathway through a dense thicket of chapparal, and finally found the encampment in a small open space surrounded on all sides by this chapparal. The tents were enclosed around by brush thrown up, and guarded by a sentinel. The sentinel, on seeing us, fired his *scopet* at me, as I was in the lead, but missed me, and I then shot him. We jumped over the brush at once, and, making for the tents, we took them all prisoners without firing another gun. This was just at daybreak. I took Rodrigues myself, though he surrendered only after much resistance. We then returned to San Patricio, with our prisoners, sixty-seven in all, and several hundred horses. Colonels Johnson and Grant agreed to release the prisoners from close confinement upon parole, Rodrigues pledging his honor that they would not leave; but they all soon left regardless of their parole.

"Our party started out on another expedition immediately, going north of the road to Matamoras. On the second day out a Mexican fell in with us, pretending that he wished to join us, and that he could bring with him a small Mexican company of mounted men. We suspected him for a spy, and our suspicions were confirmed in the morning when we found he had left during the night. Our guide had informed us that there was a party of some fifty Mexicans a little ahead of us, with several hundred horses, and we, therefore, made an early start, but when we came in sight of them, we found them moving off, and driving their horses before them. We pursued them to the Rio Grande, where we overtook them, and, as they were attempting to cross pel-mel, some of them were drowned. Having taken a considerable number of their horses, we returned on our way back to San Patricio, visiting the different ranches, getting all the horses we could, and sometimes buying them at a dollar a head. We had reached the Agua Dulce, within some twenty miles of San Patricio, and, in high spirits, we made an early start from that place, Col. Grant, Placido Benavides and myself being about a half a mile ahead to lead the horses, and the rest of the company following. We were passing between two large motts, when suddenly there came out from each of those motts several hundred Mexican dragoons, who quickly closed in, surrounding both the horses and our party. Grant, Placido and myself might then have made our escape, as we were well mounted and some distance in advance; but our first impulse being to relieve our party, we returned

without reflecting upon the impossibility of doing any good against so large a number, for there were at least one thousand dragoons under the immediate command of Urrea himself. We then at once understood that Urrea had come in on the main road some distance below, or to the south of us—that he had been to San Patricio, and had probably slaughtered Johnson and his party. Placido wished to return with us, but Grant persuaded him to start forthwith for Goliad, and give Fannin information of Urrea's arrival. We had been absent from San Patricio some ten or twelve days. As Grant and myself approached to join our party, the dragoons opened their line, and we passed in. We at once saw that some of our party had already been killed, and we decided to sell our lives as dearly as possible. My horse was quickly killed with a lance, but Grant told me to mount Maj. Morris' horse, as Morris had just been killed. I did so, but without seeing any object to be accomplished by it. Just at that moment the horses took a stampede, and broke the lines of dragoons, and Grant and myself finding ourselves the only survivors of our party, followed in the wake of the horses, the dragoons shooting after us, and wounding our horses in several places, but not badly. As we were flying a dragoon rushed upon me with his lance set, but I knocked it one side and shot him, holding my pistol almost against his breast; and scarcely stopping, I fled with Grant, the Mexicans following, and some of them occasionally coming up with us, and crying out to us to surrender and our lives would be saved. But we knew better, and continued to fly, but the number of those overtaking us became larger and larger, and after we had run six or seven miles, they surrounded us, when, seeing no further chance of escape, we dismounted, determined to make them pay dearly for our lives. As I reached the ground a Mexican lanced me in the arm, but Grant immediately shot him dead, when I siezed his lance to defend myself. Just as he shot the Mexican I saw Grant fall, pierced with several lances, and a moment after I found myself fast in a lasso that had been thrown over me, and by which I was dragged to the ground. I could do no more, and only regretted that I had not shared the fate of all the rest of my party.

"After Grant fell I saw some ten or a dozen officers go up and run their sword through his body. He was well known to them, having lived a long time in Mexico. They had a bit of grudge against him.

"I was then lashed upon a horse and taken to the ground where the fight first commenced, where I saw most of our men lying dead. Among others whom I recognized was one poor fellow named Carpenter, from Tennessee, who was fatally wounded, but not quite dead. When it was discovered that he was alive, one of the dragoons was ordered to finish him. He dismounted, and, while poor Carpenter was asking to have his life spared, he struck him on the head with his *escopeta*, and thus ended his existence. I was then taken to San Patricio, and there confined in a small hut for seven or eight days, during which time I knew nothing of the fate of Col. Johnson's command. On the second day of my confinement, I was approached by Gen. Urrea's interpreter, who proposed to me that I should be released on condition that I would go with a flag of truce to Col. Fannin, and propose to him that, if he would surrender, he and his men should be sent safely back to the

United States. The reason for making me this proposition was doubtless the fact of their having found letters about me from Col. Fannin, with whom I had been on intimate terms, we both having come from the same section of the State of Georgia. I refused to accede to this proposition, assigning as my reason that he required me to state what was not true, that the Mexican forces under him were very large, and such as would overpower him; but I certainly would not have been the bearer of any proposition that would have been dishonorable to our army, or have prejudiced our cause. Urrea then said, that I would have to be executed according to Santa Anna's orders. It was probably my indifference and recklessness of life, under the circumstances, that saved my life. I was then taken out to be shot, but was spared through the interposition of a priest and a Mexican lady, named Alvarez. After having been kept in San Patricio some seven or eight days, I was taken out of my place of confinement to be sent to Matamoras, when I was surprised to see some five or six of the men belonging to Col. Johnson's command, brought out, at the same time, for the same purpose. They had been confined in another place entirely unknown to me, and, as I then learned, were the only men of Johnson's command that had not been killed, except Johnson himself, John H. Love, James M. Miller and Daniel J. Toler, who made their escape by a fortunate circumstance. An understanding had been had between the Mexicans and the few inhabitants of the town, that on the night when the attack upon the town was to be made, the citizens should have lights burning in their houses, by which means they would be known and saved, while all the balance were to be slaughtered. It happened that on that night Johnson and Toler were engaged in writing to a very late hour, and their light therefore saved them and the other two who were with them, till they had notice of the attack, and were thus enabled to make their escape.

"I was then marched, with the other prisoners, to Matamoras, being five or six days on the road; and on our arrival we were imprisoned and kept several days without food or drink. Soon after our arrival, we were informed that orders had been received from Santa Anna for our execution; but General Fernandez, commanding at Matamoras, to whom these orders had been sent, delayed the execution, for the purpose of going through a mock trial. We were all taken out and questioned separately, taking near two days with each of us. We were then formally condemned, and sentenced to be shot on the 6th of April, 1836. We had been in Matamoras from about the 1st of March. On the appointed day of our execution, we were all taken out, weak and greatly emaciated from the painful manner of our confinement and want of food. The sentence was read to us; but we were respited by the interposition of the priests and women who had been influenced by our American friends residing in Matamoras. A large church had been commenced, but was left unfinished for the want of funds. It was by the promise of the money requisite to complete it, that the priests exerted their powerful influence in our behalf, but the money was promised merely for a respite of nine days, during which time a messenger was to be dispatched to the city of Mexico, to try and obtain a reprieve. The messenger returned, having (much to our astonishment)

obtained a commutation of the sentence from death to perpetual confinement. We were kept in close confinement from that time till the latter part of December following, subject to every privation and half starved, and only taken out of our close and filthy prison occasionally to sweep the streets, when we were always under a strong guard. We were barefooted and nearly destitute of all clothing, and death was preferable to such a condition of wretchedness. Finally myself and McNeely, of Louisiana, having been advised that our friends had horses prepared for our flight, provided we could once escape from our confinement, determined that we would use every exertion to get out, or die in the attempt. During the year we had often asked for the privilege of sleeping in the prison yard, which was enclosed by a wall fourteen feet high. It was not till the latter part of December that McNeely and myself finally prevailed on the officers to grant us this privilege for one night. The time was propitious, as it was dark and rainy. A guard of twelve men alternated in watching over us. Near 12 o'clock, while we were apparently asleep, I observed the guard with their cloaks, or blankets on their bayonets over their heads, trying to protect themselves from the rain. We seized the opportunity, and glided unperceived to the wall of the cuartel or enclosure. After exhausting our ingenuity in devising means to reach the top of the wall, it was finally decided that McNeely, who was a tall man, should place himself against the wall close to a back house, which was not quite so high; and having done so, I sprang from his shoulders so as to reach the top, when he was able, by getting hold of my feet, to climb up by my side. We then immediately jumped down the other side, but were discovered by the sentinel on the wall, who gave the alarm, and only succeeded in making our escape by the darkness of the night. After groping about the remainder of that night, without being able to find our friends, we secreted ourselves during the following day, and the next night succeeded in procuring horses and weapons, and then we proceeded up the Rio Grande to find a favorable point for crossing, traveling in the night, and lying concealed in the daytime, till we reached a crossing a little below Mier, early one morning, where, seeing a canoe on the opposite bank, I swam over for it, and with it we both crossed, swimming our horses. Before we had reached the opposite bank, we discovered a large number of Mexicans riding up in pursuit of us, but fortunately we were unperceived by them, and made good our landing on the opposite bank. Having again mounted our horses, we pursued our way over the trackless prairie as well as we could, but often lost our course, and it was not till after much exposure, and several narrow escapes, that we finally arrived among our friends in Texas. We arrived at the Guadalupe, opposite Victoria, the latter part of December, or the first of January, during a fall of sleet, when the river was near an overflow, called to the opposite bank for somebody to bring the ferry-boat over for us, but Col. Clark L. Owen, who was then in command of a company at the place, suspected a decoy by the enemy, and it was not till some time had passed that he finally came over for us.

"I have thus given you all the leading events of our disastrous expedition under Col. Grant, of which I was the only survivor, except Placidio Benavides, who carried the first news of our slaughter to Fannin.

I have omitted many events and details of suffering that would probably be interesting to many, but which would extend this communication too much for your use. It may be proper to remark that Mr. McNeeley is now a member of the legislature of Louisiana. The other prisoners who were with us were finally released, by the influence of their friends, some four or five months after our escape."

The truth of history, as well as justice to many patriots, most of whom sacrificed their lives in the war of Texas independence, makes it necessary to correct certain portions of Kennedy's and Yoakum's history.

Kennedy says: "On the first of January, 200 of the volunteers stationed at Bexar had marched for Goliad, on their way to San Patricio, under the command of Colonel (Doctor) Grant. On the preceding day, a meeting of part of the garrison had been held, at which resolutions were passed, approving of Lieutenant-Colonel Neill as commandant, in the absence of Colonel Johnson and declaring it 'highly essential that the existing army should remain in Bexar.' This declaration was in condemnation of the movement against Matamoras, which stripped Bexar of two-thirds of its defenders, with the greater portion of the winter supply of ammunition, clothing, and provisions."

To this, it is only necessary to say that there was no supply of clothing, and that provisions were obtained from the surrounding country.

Again, he says: "All the Bexar volunteers under Grant, with the exception of about fifty, left him, having heard that his object was plunder, and joined the force at Goliad, while Grant himself, who was subsequently joined by some twenty men under Johnson, proceeded on a forage for horses and cattle in the direction of Matamoras."

That a part of the force under Grant joined the troops under General Houston at Goliad and Refugio, is true, but not for the reason stated; and, as to Johnson and twenty men joining him, that is equally untrue. Johnson joined with but a single individual, Adjutant Brister.

It is due the historian to say, that these errors arose from the want of correct information, and not from any desire to do injustice to any one.

We will notice the statement of Yoakum: "A difference between the governor and council has already been intimated. The origin and progress of this difference so painful and destructive in its consequences, require a special notice. Dr. James Grant, it will be remembered, originated the project of an expedition to Matamoras. His domicile was in Coahuila, where he had a splendid estate. He had never resided in Texas; it was not his home. His feelings, his interests, and his efforts, were all in favor of the old union of Coahuila and Texas. True, he was at the siege of San Antonio and fought gallantly there, and was severely wounded on the first day, but he fought against Cos, who had driven him from the legislative hall of Monclova, and not for the cause and right of Texas. He therefore had a motive in carrying the war to Matamoras, and thence into the interior of Mexico, that he might return to his princely domain at Parras. Among the volunteers and adventurers at San Antonio he was incessantly painting in lively

colors the rich spoils of Tamaulipas, New Leon, Coahuila, and San Luis Potosi, the facility of the descent, the cowardly nature of the inhabitants, and the charming beauties of the valleys of the San Juan, the Sabinas, and the Santander."

That Dr. Grant resided, or, rather had resided, in Parras, Coahuila, had an estate there, and was a member of the Congress of the state of Coahuila and Texas, and was in favor of an expedition against Matamoras, is true; but, that he was actuated by anything but pure patriotism in advocating the Matamoras expedition, we deny. Dr. Grant was a scholar, gentleman, and soldier, and devoted to the best interests of Texas.

Major Morris, and most others engaged in the expedition, were actuated by the highest motives of patriotism, and had left their homes to aid and assist a people struggling for independence and liberty.

That Johnson and Grant and their companions asked or desired other or greater privileges than those authorized by law, is simply false.

The expedition, west of the Neuces, for horses and mules was not, as is insinuated, for their own emolument and profit, but to supply a want in the service—a cavalry force. So far from seizing and taking property by force, all was receipted for at a fair valuation or paid for. Yet, Mr. Yoakum, in his history, insinuates, if he does not charge in direct terms, that the parties thus engaged were guilty of offenses that, if true, would brand them with eternal disgrace. Why the historian should have singled out Johnson, Grant, Morris, and their followers as fit subjects to brand with disgrace and infamy is beyond our ken. So far as their motives and acts are concerned, they have been faithfully, if not ably, stated, and may well abide impartial public opinion.

On our arrival at Goliad, from San Patricio, Colonel Johnson informed Colonel Fannin of the advance of Urrea. Soon after, news was received of the defeat and slaughter of Grant and command. We were informed by Colonel Fannin that Colonel Travis was besieged, and had sent to him for aid, which he was not able to give for want of necessary transportation.

Before leaving Goliad, Johnson advised Fannin either to abandon Goliad and destroy the fort or to strengthen it by the addition of new works, and collect such supplies of provisions as he could procure, and await the advance of the enemy. He decided, after consultation with his officers, to maintain his position. He was, also, informed that due notice had been given the families at Refugio, and not to listen to any appeal for assistance, as most of the Irish families were suspected of being unfriendly to the Texans; that his safety and success in defending the place depended on his keeping his force united.¹

Hearing of the advance of the Mexicans upon Refugio, Colonel Fannin sent Captain King with twenty-eight men to remove some families yet at the mission. King reached there on the 12th of March, but delayed his departure until the advance of Urrea's cavalry came up.

¹ The following account of Fannin's movements has been adapted by the author from Captain Jack Shackelford's narrative, first published in 1837, and later substantially incorporated by Kennedy in his *Texas*, II, 203-209, and by Foote in his *Texas and the Texans*, II, 227-244.—EDITOR.

He then took position with his small force, in the mission, and kept the enemy at bay until he could send a messenger to Fannin at Goliad. The messenger reached the latter place about midnight on the 12th and Fannin immediately dispatched Colonel Ward with a hundred men to his relief. Ward arrived at the mission on the evening of the 13th. In the meantime, Urrea, then on his march to Goliad, received news of the assistance made by King, and on the 13th dispatched a company of cavalry to keep the Texans engaged till he could come up with the main body. The latter reached the mission at daybreak on the 14th, but Ward had got into the mission.

Meanwhile, General Houston, who had taken command of a small force at Gonzales, dispatched Captain De Sanguie with an order to Colonel Fannin, dated the 11th of March, commanding him, as soon as practicable after the receipt of the order, to fall back upon Victoria, on the Guadalupe, taking with him such artillery as could be brought off with expedition, previously adopting measures to blow up the fort before leaving its vicinity. This order was received by Colonel Fannin on the morning of the 14th, and he immediately dispatched an express to Ward, stating the nature of Houston's order, and requesting him to return with all haste to Goliad. Fannin also sent out parties for teams and carts, and commenced dismounting and burying several of the guns. On the same day, he sent a note to Col. A. C. Horton, at Matagorda, requesting him to join him as early as possible with the two hundred men under his command. This note fell into the hands of General Urrea; but Horton joined Fannin on the 16th with twenty-seven mounted men.

To return to the mission of Refugio: Colonel Ward gave orders to set out on the march to rejoin Fannin on the following morning (the 14th) at daybreak. When the morning dawned, however, it was believed from the report of one of the sentinels that the Mexicans were in large force in the neighborhood. To satisfy themselves on this point, Captain King was sent out with thirteen men to ascertain the fact. Shortly afterward a firing was heard in the direction King had taken. Ward with his command advanced rapidly till they found themselves in front of six or eight hundred of the enemy. Ward again retreated to the mission. The church was an old stone building, in ruins, but strong. Three sides of it were, however, exposed to an assault. The fourth side was formed by a stone wall, one hundred and fifty feet in length, used as a place of burial, and containing many tombs: from the end of this wall the ground descended. Captain Bullock's company of thirty-five men was placed in the churchyard to protect the mission from an assault in that direction. The remainder of Ward's command barricaded the church, made loopholes, and otherwise prepared for defense. General Urrea now ordered a charge, at the same time bringing up a four-pounder to batter down the door. The Texans waited till their rifles could take effect, when they opened such a fire that the enemy, after repeated charges, broke and fled. During this affair, which lasted nearly all of the 14th of March, the Mexicans lost about two hundred in killed and wounded; the Texans' loss was only three severely wounded.

The enemy having retreated to their camp, some five or six hundred

yards distant, had posted sentinels around the mission. At night the Texans finding their ammunition nearly exhausted, determined to retreat; but, as they could not remove their wounded, they resolved first to leave them a supply of water. Accordingly, after dark, the whole Texan command marched to the spring, about four hundred yards distant, dispersed the enemy's guard stationed there—killing four of them—supplied themselves with water, filled the gourds of their wounded comrades, and bade them a last farewell.

Colonel Ward with his forces then set out on their retreat, and, marching through the woods and swamps, where the enemy's cavalry could not follow, they reached the San Antonio river on the third day. On the second day, however, a few of the men left the command in search of water, but did not again join it. The next morning, the 19th, Ward crossed the river and resumed the march in the direction of Victoria. That evening they heard the firing between Fannin and Urrea, apparently about ten miles distant. They endeavored to reach the combatants, but, darkness coming on, they found themselves in the Guadalupe swamp, where they passed the night. The next day, the 21st, Ward set out again toward Victoria, where he and his command surrendered to the enemy as prisoners of war.

To return to Captain King. He had been sent out on the morning of the 14th to reconnoiter, but his return to the mission having been cut off, he attempted to reach Goliad. He lost his way, however, and found himself, after two days' march (on the morning of the 16th), only three miles from the mission on an open prairie, and his ammunition wet. Under these circumstances he was surrounded and obliged to surrender, previous to which one of his men was mortally wounded. In six hours afterward Captain King and his command were shot, on the road to Goliad, about a mile from the mission, and being stripped of their clothing, were left a prey to wild beasts.

General Urrea took possession of the "Old Mission" on the morning of the 15th. He found there only the three wounded Texans, who were soon despatched and thrown out, to give place to his own wounded. Leaving these under the care of Colonel Vara and a small command, he sent the whole of his disposable cavalry in pursuit of Ward, and set out himself with the advance, consisting of two hundred horses and foot, on the morning of the 16th, toward Goliad, sending a reconnoitering party still ahead of his advance.

Colonel Fannin, receiving no news from his first express to Ward, sent a second, and then a third, who were perhaps taken by the enemy. It was only on the 18th that he first received any account of Ward. On the 17th Col. A. C. Horton, who had come in the day before from Matagorda, was ordered to reconnoiter the enemy. On his return he reported a large force of them a few miles from the fort marching slowly and in good order. Colonel Fannin immediately had the cannon dug up and remounted, expecting an engagement that night or the next morning. During the night of the 17th the guard was doubled. The enemy were seen hovering about the place on the 18th and in some force on the left bank of the San Antonio river, near the old mission. Colonel Horton was sent over with such mounted force as he could collect and made a furious charge upon the party at the mission. The latter re-

treated to the timber, and, being there supported by their infantry, Colonel Horton fell back in good order. Captain Shackelford volunteered to go over with his company to the aid of Horton, but just as they were about to commence the attack, the guns from Fort Defiance caused the enemy to make a precipitate retreat.

Having determined on his retrograde movement the next morning, Fannin made his arrangements accordingly. Before day, Colonel Horton and his twenty-eight horsemen were in the saddle, and proceeded on the Victoria road. The way being reported clear of the foe, the fort was dismantled, the buildings burnt, and the Texan force, about three hundred strong, set out early. It was ten o'clock, however, before the rear guard had crossed the San Antonio river. Much time was consumed in getting the artillery up the banks; besides, a cart broke down, and its load had to be distributed among the other wagons. Still they advanced in good order and as briskly as the ox-teams and freight would permit. At length, after a march of six or eight miles toward the waters of the Coleta, Colonel Fannin ordered a halt, to graze and rest the oxen, and refresh the troops. Fannin had all along committed the error of entertaining a too great contempt for the enemy. Captain Shackelford remonstrated against the halt until they should reach the Coleta, then five miles distant, but he was overruled. "Colonel Fannin and many others," says the gallant captain, "could not be made to believe that the Mexicans would dare follow us."

After a halt of an hour the march was resumed. Colonel Horton with his cavalry was sent in advance, to examine the Coleta crossing. Shortly after resuming the march, two of the enemy appeared, as if coming out of the timber bordering on the Coleta, about a mile distant, and rather to the rear and right of the Texan army; then four men appeared, and finally three hundred and fifty cavalry emerged from the same quarter and advanced rapidly with the view of cutting off the Texans from the skirt of timber about a mile or more in front. "Our artillery," says Captain Shackelford, "was ordered to open on them and cover our rear. About this time we discovered a large force of infantry emerging from the same skirt of woodland at which their cavalry had first been seen."

Fannin attempted to reach the timber in front, but the rapid approach of the enemy determined him to prepare immediately for battle. Fannin's forces were in an open prairie, the nearest timber being that in front. The breaking down of an ammunition wagon also hindered them from advancing to an eminence near by; they were therefore compelled to form in a depression in the plain, six or seven feet below the surrounding surface. The Texans were compelled to form in an oblong square, the artillery being judiciously posted. The enemy's cavalry coming up within a quarter of a mile, dismounted, and fired a harmless volley with their *scopets* [escopetas]. Thus they continued to advance and fire. Colonel Fannin, with great coolness, repeated to his men the order "not to fire." By this time all the Texan infantry sat down, leaving the artillerists and Colonel Fannin alone standing. The Mexican cavalry having now come within one hundred yards, the command was given, and the Texans opened a fire with their rifles, muskets, and artillery. About this time Colonel Fannin received a

wound in the fleshy part of the thigh. While engaged with the enemy's cavalry on their right flank, the Texans found the Mexican infantry, one thousand or twelve hundred strong, advancing in their rear and left flank. Coming within range, they fired a volley, and charged bayonets. They were received by a fire of artillery, Duval's riflemen, and some other troops, whose fire cut them down with great slaughter. This Mexican infantry was the celebrated Tampico regiment. They fell down in the grass, and occasionally raised up to shoot, but whenever they showed their heads, the Texan rifles generally took them down. A body of the enemy's cavalry then made an attempt upon the Texan rear, but, at a distance of sixty yards, they were so well received with double canister charged with musket-ball, and by the riflemen, that they fell by scores, and made a sudden retreat, choosing to return afterward on foot.

The conflict by this time had become general. The Texans had no water to sponge their cannon, and they became so hot that they could not be used, so that the Texans were forced to rely wholly on their small arms. With these they continued the fight most manfully from one o'clock until sundown. At dusk, the Campeachy Indians (who could not well understand the word of command at Mission Refugio) were placed in the high grass, about thirty yards from the Texan lines, from which they poured a destructive fire; but so soon as it was sufficiently dark for the Texans to see the flash of their guns, they seldom flashed twice from the same point. Among those wounded was Henry Ripley, a son of General Ripley, of Louisiana, a youth of eighteen years. He had his thigh broken. Mrs. Cash (who was with the Texan army) at his request helped him into a cart and fixed a prop for him to lean on and a rest for his rifle. Thus he continued the fight until another shot broke his right arm. Such was the spirit of the Texans at the battle of the Coleta.

A little after dark General Urrea drew off his troops. The Texans lost during the day seven killed, several mortally and sixty badly wounded. The enemy's loss must have been five times as great. Urrea's force in the action was estimated at twelve hundred infantry and seven hundred cavalry. The Texans, exclusive of Colonel Horton's mounted force, were about two hundred and seventy-five in all. Horton having gone on in advance to examine the pass of the Coleta, had dismounted with his men. So soon as they heard the firing between the contending parties in their rear, the word "to horse" was given, when the party galloped back to the prairie. Here they had a full view of the engagement, and, seeing the Texans very nearly surrounded by so large a force of the enemy, Horton's lieutenant, Moore, objected to any attempt to reach their comrades by penetrating the Mexican lines, alleging that they would all be cut to pieces. Immediately he dashed off in another direction, taking with him nearly all the party. Colonel Horton, being thus left with so few men, had no other alternative than to retire also. He therefore returned to Victoria.

The description of the battle of the Coleta, as it appeared first after one of those attempts to charge in the evening, is thus given by an eyewitness: "The scene was now dreadful to behold. Killed and maimed men and horses were strewn over the plain; the wounded were rending

the air with their distressing moans, while a great number of horses without riders were rushing to and fro back upon the enemy's lines, increasing the confusion among them; they thus became so entangled, the one with the other, that their retreat resembled the headlong flight of a herd of buffaloes, rather than the retreat of a well-drilled army, as they were."

The enemy took position for the night in the skirt of woods in front. The Texans were occupied in forming a breastwork of earth, carts, wagons, and packs. "It has been often asked," says Captain Shackelford, "as a matter of surprise, why we did not retreat in the night. A few reasons, I think, ought to satisfy every candid man on this point. During the engagement our teams had all been killed, wounded, or had strayed off, so that we had no possible way of taking off our wounded companions. Those who could have deserted them under such circumstances possess feelings which I shall never envy. I will mention another reason which may have more weight with some persons than the one already given. We had been contending for five hours, without intermission, with a force more than seven times larger than our own; had driven the enemy from the field with great slaughter; and calculated on a reinforcement from Victoria in the morning, when we expected to consummate our victory."

Captain Shackelford does not inform us why they expected aid from Victoria; at all events, none came. On the other hand, the reinforcement sent to the enemy from Bexar consisting of five hundred men under Colonel Morales, with three pieces of artillery, and of which Urrea had received notice on the 18th, arrived in the Mexican camp at half past six on the morning of the 20th. Early on that morning Urrea displayed his whole force in the most imposing manner, together with his pack-mules and artillery. The fire of the latter commenced, but without effect. They kept out of the range of the Texan riflemen, who reserved their fire for close quarters. After the Mexicans had discharged a few rounds, they raised a white flag, but it was soon taken down. The Texan wounded had "suffered agonies for want of water." Their officers held a consultation, and it was the opinion of a majority that they could not save the wounded without a capitulation. The unexpected appearance of artillery in the ranks of the enemy likewise conduced to this conclusion, for the Texan breastwork was only intended to resist small arms.

The Texans now raised a white flag, which was promptly answered by the enemy. Major Wallace and Captain Chadwick went out, and in a short time returned saying General Urrea would treat *only* with the commanding officer. Colonel Fannin, though lame, went out, assuring his men that he would make no other than an honorable capitulation. He returned in a short time, and communicated the terms of the agreement which he had made with Urrea. They were in substance as follows:

1. That the Texans should be received and treated as prisoners of war, according to the usages of the most civilized nations.
2. That private property should be reputed and restored; but that the side-arms of the officers should be given up.
3. That the men should be sent to Copano, and thence, in eight days, to the United States, or so soon thereafter as vessels could be procured to take them.
4. That the

officers should be paroled, and should return to the United States in like manner. General Urrea immediately sent Colonel Holzinger and other officers to consummate the agreement. It was reduced to writing in both the English and Spanish languages, read over two or three times, signed, and the writings exchanged in the most formal and solemn manner.²

The Texans immediately piled their arms, and such of them as were able to march were hurried off to Goliad where they arrived at sunset the same day (the 20th). The wounded, among whom was Colonel Fannin, did not reach the place till the 22nd. At Goliad the prisoners were crowded into the old church, with no other food than a scanty pittance of beef, without bread or salt. Colonel Fannin was placed under the care of Colonel Holzinger, a German engineer in the Mexican service. So soon as Fannin learned how badly his men were treated, he wrote to General Urrea, stating the facts, and reminding him of the terms of capitulation.

On the 23d Colonel Fannin and Colonel Holzinger proceeded to Copano, to ascertain if a vessel could be procured to convey the Texans to the United States; but the vessel they expected to obtain had already left that port. They did not return till the 26th. On the 23d Major Miller, with eighty Texan volunteers, who had just landed at Copano, were taken prisoners and brought into Goliad. On the 25th, Colonel Ward and his men, captured by Urrea, as has already been stated, were brought in.

The evening of the 26th passed off pleasantly enough. Colonel Fannin was entertaining his friends with the prospect of returning to the United States; and some of the young men, who could perform well on the flute, were playing "Home, Sweet Home." How happy we are that the veil of the future is suspended before us! At seven o'clock that night, an order, brought by an extraordinary courier from Santa Anna, required the prisoners to be shot! Detailed regulations were sent as to the mode of executing this cold-blooded and atrocious order. Colonel Portilla, the commandant of the place, did not long hesitate in its execution. He had four hundred and forty-five prisoners under his charge. Eighty of these, brought from Copano, having just landed, and who as yet had done no fighting, were considered as not within the scope of the order, and for the time were excused. The services of four of the Texan physicians—that is Drs. Joseph H. Bernard, Field, Hall, and Shackelford—being needed to take care of the Mexican wounded, their lives were spared. So likewise were four others, who were assistants in the hospital (Messrs. Bills, Griffin, Smith, and Sherlock).

At dawn of day, on Palm Sunday, March 27th, the Texans were awakened by a Mexican officer, who said he wished them to form a line, that they might be counted. The men were marched out in separate

² Notwithstanding this positive assertion that the Texans surrendered as prisoners of war, a Spanish copy of the capitulation found in the archives of the Mexican

war department in Mexico City, signed by Chadwick, Wallace, and Fannin, seems to show that they surrendered "as prisoners of war, *subject to the disposition of the supreme government.*" Technically this was equivalent, no doubt, to a surrender at discretion.—EDITOR.

divisions, under different pretexts. Some were told that they were to be taken to Copano, in order to be sent home; others that they were going out to slaughter beeves; and others, again, that they were being removed to make room in the fort for Santa Anna. Doctor Shackelford, who had been invited by Colonel Guerra to his tent, about a hundred yards southwestwardly from the fort, says: In about half an hour we heard the report of a volley of small arms, toward the river, and to the east of the fort. I immediately inquired the cause of the firing, and was assured by the officer that "he did not know, but supposed it was the guard firing off their guns." In about fifteen or twenty minutes thereafter, another such volley was fired, directly south of us, and in front. At the same time I could distinguish the heads of some of the men through the boughs of some peach-trees, and could hear their screams. It was then, for the first time, the awful conviction seized upon our minds that treachery and murder had begun their work! Shortly afterward Colonel Guerra appeared at the mouth of the tent. I asked him if it could be possible they were murdering our men. He replied that "it was so but that he had not given the order, neither had he executed it."

In about an hour or more, the wounded were dragged out and butchered. Colonel Fannin was the last to suffer. When informed of his fate, he met it like a soldier. He handed his watch to the officer whose business it was to murder him, and requested him to have him shot in the breast and not in the head, and likewise to see that his remains should be decently buried. These natural and proper requirements the officers promised should be fulfilled, but, with that perfidy which is so prominent and characteristic of the Mexican race, he failed to do either! Fannin seated himself in a chair, tied the handkerchief over his eyes, and bared his bosom to receive the fire of the soldiers.

As the different divisions were brought to the execution they were ordered to sit down with their backs to the guard. In an instant young Fenner rose to his feet, and exclaimed, "Boys, they are going to kill us—die with your faces to them, like men!" At the same time, two other young men, flourishing their caps over their heads, shouted at the top of their voices, "Hurrah for Texas!"

Many attempted to escape, but the most of those who survived the first fire were cut down by the pursuing cavalry, or afterward shot. It is believed that, in all, twenty-seven of those who were marched out to be slaughtered made their escape, leaving three hundred and thirty who suffered death on that Sunday morning.

The dead were then stripped and their naked bodies thrown into piles. A few brush were placed over them, and an attempt made to burn them up, but with such poor success that their hands and feet, and much of their flesh, were left a prey to dogs and vultures! Texas has erected no monument to perpetuate the memory of those heroic victims of a cruel barbarism; yet they have a memorial in the hearts of their countrymen more durable than brass or marble.

Colonel Fannin doubtless erred in postponing for four days the obedience to the order of the commander-in-chief to retreat with all possible dispatch to Victoria on the Guadalupe; and also in sending out Lieutenant Colonel Ward in search of Captain King. But these

errors sprang from the noblest feelings of humanity: first, in an attempt to save from the approaching enemy some Texan settlers at the mission of Refugio; again, in an endeavor to rescue King and his men at the same place; and, finally, to save Ward and his command—until all was lost but honor. Yoakum says:

“The public vengeance of the Mexican tyrant, however, was satisfied. Deliberately and in cold blood he had caused three hundred and thirty of the sternest friends of Texas—her friends while living and dying—to tread the wine press for her redemption. He chose the Lord’s day for this sacrifice. It was accepted; and God waited His own good time for retribution—a retribution which brought Santa Anna a trembling coward to the feet of the Texan victors, whose magnanimity prolonged his miserable life to waste the land of his birth with anarchy and civil war.”

To this we subjoin the letter of Samuel T. Brown to the brother of Colonel Ward of the Texas army. Mr. Brown was a non-commissioned officer in Captain Bullock’s company, and made his escape at the butchery of Goliad. The facts he details may be relied on, as his character was unimpeachable. Mr. Brown is now dead. The letter was published in the *Voice of Sumter*, November 28, 1837. Coming from an eye-witness of intelligence and credit, it throws light upon a transaction in which few survived to relate the tale of blood.

“LIVINGSTON, ALA., Nov. 1, 1837.

“DEAR SIR: Having been among the first who volunteered from Georgia in the service of Texas, under the command of your brother, the late Col. William Ward, whose name is destined to occupy a place in history, I have thought that a communication of my adventures in a form which you might preserve would not be unacceptable or improper. All I have in view is to give the facts which came within my own observation and knowledge, and if they can be deemed of interest as occurring to one of my years (twenty at the present time) I shall feel perfectly satisfied in having related them.

“About the 20th November, 1835, I left Macon in the stage for Columbus, where I joined Captain Ward’s company, who had rendezvoused at that place whence we marched to Montgomery, Alabama, and took passage for Mobile on the steamer *Ben Franklin*. Remaining in Mobile five or six days, near which a public dinner was given us, we embarked on the steamer *Conroy* for New Orleans, where we halted about a week and received some addition to our number, making the company about one hundred and fifty strong. Here Captain Ward laid in supplies for his men and chartered the schooner *Pennsylvania* to take them to Velasco, where we arrived on the 20th December, 1835, and found Captain Wadsworth’s company, fifty strong, and the two companies were organized into a battalion, of which Captain Ward was elected major, called the Georgia Battalion. Captain Ward’s original company was divided into two equal parts, as near as practicable, the command of one of which was given to Capt. Uriah J. Bullock, of Macon, and that of the other to Capt. James C. Bryce, of Gwinnette county. Major Ward lost no time in reporting in person his battalion to Governor Smith at San Felipe de Austin. Our troops

encamped about two miles from Velasco, on the Brazoria river, where they subsisted on the two months' provision laid in at New Orleans. After a week's absence to the seat of government, Major Ward returned with commissions for the several officers. We remained in camp near Velasco until 1st February, 1836, when the battalion was ordered by the then acting governor, Robinson, to repair to Goliad on the San Antonio river, and it was forthwith transported by the schooner *Columbus*, U. S. vessel, to Copano, on Aransas bay, after five days' passage. There we were furnished provisions by the government and four pieces of artillery, two six and two four-pounders. From Copano to Goliad the distance is forty-five miles, and about half way the battalion halted at the Mission, where we were joined by Captain Ticknor's company of Montgomery, Alabama, making our ranks about two hundred and fifty strong. From thence we marched to Goliad, took possession and repaired the fort, and were joined by the Lafayette battalion, made up from north Alabama, Tennessee and Kentucky. Previous to this, the lamented Colonel Fannin had not taken any part in the service, but was actively engaged in collecting and diffusing information highly useful to the cause of Texas. At Goliad the two battalions were formed into a regiment between five and six hundred strong, of which Fannin was elected colonel and Ward lieutenant-colonel; Doctor Mitchell, of Columbus, commanded the Georgia battalion, in the place of Ward, promoted.

"For some purpose Captain King, of the Lafayette battalion, had been dispatched by Colonel Fannin to occupy the Mission, about twenty-two miles off, who found himself annoyed in his new position by a party of Mexican cavalry, and sent an express to Goliad for a reinforcement. Lieutenant-Colonel Ward, with one hundred and twenty-five men, of which I was among the number, was directed by Colonel Fannin to support Captain King at the Mission. This was on the 12th March, and the next day Lieutenant-Colonel Ward's command reached the Mission, at which a large Catholic church built of stone, made a very good fort, in which we took position. The Mexican cavalry that reconnoitered the Mission and tried to attack it, was estimated at two hundred, and on the night of the 13th, a party of fourteen men under Captain Ticknor, surprised their camp, a mile from the Mission, killing eight of them and putting the rest to flight. Among the slain was recognized a Mexican Lieutenant who had been with Colonel Fannin at Goliad, pretending to have joined the Texans with eighteen men. On the morning of the 16th Lieutenant-Colonel Ward and Captain King differed as to who should command at the Mission, the latter claiming it by being there first. A large majority of the troops declared they would serve under Lieutenant-Colonel Ward only, which induced Captain King with his original company of twenty-eight men to withdraw and was followed by eighteen of Lieutenant-Colonel Ward's command, who had been detailed from Captain Bradford's company at Goliad, leaving Colonel Ward one hundred and seven men. About ten o'clock in the morning, a party of fifteen, with myself, was sent to a river about two hundred yards off with oxen and cart to bring two barrels of water into the fort. We had just filled the vessels and were leaving the river when we were fired

upon from an open prairie on the other side, by General Urrea's army of eleven hundred men, about half a mile distant. We made all possible speed for the fort, holding on to the water except about half a barrel, which was lost out by one of the bullets piercing the head. The enemy kept firing as they crossed the river, and marched within fifty paces of the church, when Colonel Ward ordered his men to fire, which drove the Mexicans back, and left the ground pretty well spotted with their dead and wounded. They made about four regular charges, both cavalry and infantry, about half of each, and were as often repulsed with great slaughter.

"At four o'clock in the afternoon they retreated, leaving between four and five hundred of their dead upon the field. Colonel Ward had only three of his men wounded, one of them an Irishman who resided at the Mission. When the attack was made in the morning, Colonel Ward sent an express (James Humphrey, of Columbus, Georgia) to Colonel Fannin at Goliad, and orders were received at ten o'clock at night to abandon the church, and take a northeast course for Victoria, on the Guadalupe, twenty-five miles beyond Goliad, where Colonel Fannin would join him. About twelve o'clock at night we left the fort silently, formed five deep, marched without a guide in the open prairie, and were only eight miles from the Mission at daylight. For two days we had nothing to eat, and on the third we killed some cattle near the San Antonio, which revived us a good deal. On the 21st March, we reached Victoria, and had advanced within one hundred yards of the town, expecting to find Colonel Fannin and his men there when to our utter dismay it was in possession of the enemy, who fired upon and caused us to retreat to the swamp. Colonel Fannin had set out to meet us in due time, but his whole command was taken prisoners by a large force within six miles of Goliad, and carried back to the fort. We had expended all our ammunition at the battle of the Mission, and very few of our men had a single cartridge left! In this dilemma we marched at night for Dimmit's Point on the Lavaca river, near Matagorda Bay, where supplies were landed for the Texan troops.

"Next day, 22d March, we halted to rest and concealing ourselves within two miles of our destination, sent two men to the point to see who was in possession and await their return. The remnant of the Mexican army that attacked the Mission, which was hovering over this quarter under General Urrea, took the two men prisoners and surrounded us. The two men came within speaking distance of us, stated our situation and the power of the enemy, and desired Colonel Ward to see General Urrea upon the terms of surrender; upon which Colonel Ward, Major Mitchell and Captain Ticknor had an interview with General Urrea and returned making known to us the offer of the enemy, if we surrendered as prisoners of war, that we should be marched to Copano without delay, and from thence shipped to New Orleans, or detained as prisoners of war and be exchanged. Colonel Ward addressed his men and said he was opposed to surrendering; that it was the same enemy we had beaten at the Mission, only much reduced in numbers, and that he thought our chances of escape equally practicable as it was then. He proposed that the attack on us might

be evaded until night, when we might possibly pass the enemy's lines and get out of danger. At all events he thought it best to resist every inch, as many of us could save ourselves and if we surrendered, he had doubts of the faith and humanity of the Mexicans; that he feared we should all be butchered. The vote of the company was taken, and a large majority were in favor of surrendering upon the terms proposed; Colonel Ward informed them that their wishes should govern, but if they were destroyed, no blame could rest on him.

"The same officers as before, to wit: Colonel Ward, Major Mitchell and Captain Ticknor, again saw General Urrea, and I understood a paper was signed by the Mexican General, to dispose of us as above stated, on condition that we should never serve Texas any more; one copy in Spanish and another in English. Then came the hour for us to see all our hopes blasted. We marched out in order and gave up our arms, cartridge boxes, and weapons of every kind. Our guns were fired off, the flints taken out, and returned to us to carry. When we left the Mission on the night of the 14th of March, we had about a hundred men; at the time of the surrender we had only eighty-five the others having left us on the route from the Mission to Victoria a most fortunate thing for them. We were put under a strong guard, and the next morning, 23d March, proceeded to Victoria, where we were engaged the next day in bringing the baggage of the Mexican army across the Guadalupe, about four hundred yards from the town, and hauling it up. On the morning of the 25th, we were marched towards Goliad, where we arrived next day late in the evening. There we found Colonel Fannin and his regiment prisoners in the fort. All the Texans troops then in the fort as prisoners, belonging to Colonel Fannin's command after we were brought in, amounted to four hundred and eighty men. Early on the morning of the 27th we were all marched into line and counted, and divided into four equal parts of one hundred and twenty each. That nearest the door of the fort marched out first, and were received by a strong guard and placed in double file, going we knew not whither nor for what purpose. I was in this division, in the right hand file, and about half a mile from the fort we were ordered to halt; the guard on the right then passed to the left and instantly fired upon the prisoners, nearly all of whom fell. And few survivors tried to escape by flight in the prairie and concealing themselves in the weeds. The firing continued and about the same time I heard other firing towards the fort and cries of distress.

"At the time our division of prisoners was shot, Drury H. Minor, of Houston county, Georgia, immediately on my left, was killed; and just before me, next in file, Thomas S. Freeman, of Macon, was also killed. As I ran off, several poor fellows who had been wounded, tried to hide in the clump of weeds and grass, but were pursued and I presume killed. Soon after I made my escape I was joined by John Duval and Holliday of the Kentucky volunteers, both of whom were with me at the massacre, but not until I had swam across the San Antonio about half a mile from the butchery. For five days we had nothing to eat except wild onions, which abound in the country, when reaching the Guadalupe we found a nest of young pigs, and these lasted us several

days. In the course of a few days wandering at random in the open country, often wide of our supposed direction, we saw fresh signs of cavalry and withdrew to the swamp; but we had been perceived going there and were taken by two Mexicans armed with guns and swords; that is Duval and myself were captured; Holliday lay close and was not discovered. One of the men seized me and held on: Duval was placed between them to follow on. He sprang off and one of the men threw down his gun and ran after him in vain—Duval made his escape, and I have not seen him since. I was taken to their camp close by, where they saddled their horses in a hurry and rode off without me. From their actions I judged they were of opinion a party of Texans was near, and so made off. I then went to the swamp where I was taken, and found Holliday in his old position. Next day we came to a deserted house on the Lavaca river, apparently that of an American settler, where we found plenty of provisions, such as meat, corn, lard, chickens and eggs, upon which we feasted there two days, camping at night a little way off. Taking with us a good stock of provisions, we travelled quite refreshed and in four or five days reached the Colorado. From almost constant rain and exposure, I had lost the use of my right arm and shoulder, and could not swim the river. Holliday swam across with the provisions and promised to return and help me; but he was so weak and exhausted from the cold and rapid current, that he was unable to do so. Thus we parted and I never saw him afterwards.

"I went up the river and next day found a canoe in which I crossed and then wandered until I got in sight of the Brazos on the 20th April, when I was taken by a party of twenty Mexican cavalry, who carried me to the main army at Fort Bend, under General Sesma and put me under guard with other prisoners they had picked up. I recollect the name of but three of them, and they had resided several years in Texas. Johnson from New York; Leach an Englishman, and Semson. Fort Bend was about thirty miles from San Jacinto, where the battle was fought the next day, (21st April). The night after the battle a Mexican officer who escaped from San Jacinto, brought the news into camp, and the army instantly retreated. When I was brought to the camp I pulled off my boots to dry and to relieve my swollen feet; my boots were stolen and I had to march barefoot through the mud and water, nearly knee deep all over the prairies, the rain falling in torrents pretty much all the time:—The army returned to Victoria, where I saw four of the Macon company who had been detained there after the surrender, on account of their being mechanics: William Wilkinson, John Kinneman, Barwell and Callahan.

"I was then taken to Goliad where I remained five days and saw the places where the four divisions of prisoners had been butchered; some of the carcasses remained, many burnt and others mangled; all so disfigured that I could recognize no particular person. A company of eighty-two men from Tennessee under Captain Miller of Texas, who had been taken prisoners the moment they landed at Copano and whom we left in the fort at Goliad at the massacre, still remained there on my return. One of its members (McCoy) told me the particulars of Ward and Fannin's deaths, as he said he was an

eye-witness. After the privates had been shot, the time of the officers came. Colonel Ward was ordered to kneel, which he refused to do; he was told if he would kneel his life might be spared. He replied that they had killed his men in cold blood and that he had no desire to live: death would be welcome. He was then shot dead. Colonel Fannin made an address to the Mexican officer in command, through an interpreter; handed him his gold watch to be sent to Colonel Fannin's wife, and also a purse to the officer to have him decently buried. He sat on a chair, tied a handkerchief over his eyes and requested that he might not be shot in the head, and that the marksmen should stand far enough off for the powder not to burn him. He was shot in the head and expired.

"Leaving Goliad in the month of May, with a dozen other Texan prisoners, under a guard of cavalry attached to the main army, then three thousand strong, we marched to San Patricio on the Nueces river, where Colonels Teal and Karnes of the Texan service came. under a flag of truce, and obtained passports from General Filisola to go to Matamoras. Colonel Teal informed me that I should be released, that the General had received orders from Mexico to return there. He took with him a body guard, through the Indian country, about fifty cavalry who had charge of me ever since leaving Goliad, and they still held on to me. General Teal left his guard at Saltillo and took the stage to the City of Mexico, where the cavalry arrived with me their only prisoner in August, 1836. I was then confined in the Quartel or barracks until the first of February, 1837, and about that time General Teal expected to leave the city to take command of the army of Matamoras. His interpreter, an Italian, named Quarri, often visited the barracks and treated me with great humanity. He said he would get my release, and took me to General Filisola's house to accompany him to Matamoras. From some delay he did not start until the 28th of March, during which time I was a member of his family and treated with perfect kindness, under orders, however, for my own safety it was said, not to leave the guard alone.

"I may be allowed to say a few words about the city of Mexico and the manner of my detention. I was put in the barracks among a number of Mexican prisoners who were confined for various offences, and from the time I entered in August, 1836, until I went to General Filisola's house in February I had no other food than boiled beef. The water in the barracks was fresh and pure, brought there by an aqueduct which supplied to the whole city twelve miles from the mountains. My health was very good the whole time—the city itself is quite pleasant, clean, and the buildings durable if not elegant. What I viewed as a great blemish to the houses, (which were nearly all of stone and rock,) were the images of saints and idols carved in endless variety.

"On the 28th March last I left the city of Mexico in company with General Filisola, his staff and a small guard, and arrived at Matamoras the 1st of June, a distance of nine hundred miles from one place to the other. General Filisola it was said declined the invasion of Texas with his army on hearing of the death of General Montezuma at San Luis, and sent a large portion of it to quell the insurgents. On

the 17th of June General Filisola gave me a passport, and on the 1st of July 1 embarked for New Orleans on the schooner *Comanche*, Captain Biddle, where I arrived in due time.

"The unpretending narrative is at your service, and you have my permission to make what use of it you think proper.

"Your obedient Servant,

"S. T. Brown."

CHAPTER XXIII

SAN JACINTO CAMPAIGN ¹

Sunday, March 6, when Santa Anna had just concluded the storming of the Alamo, General Houston, as we have seen, made a farewell speech to the convention and began his journey to Gonzales. Having been informed of the alarming situation of the garrison in Bexar through Travis's letter of the 3d to the convention, he formed, as he went, a plan for its relief. Fannin, at Goliad, was to advance with the bulk of his division to the west bank of the Cibolo and await there the arrival of the commander-in-chief, who would join him with all the forces from Gonzales and march to Travis's rescue. On reaching Gonzales, however (March 11), Houston was met by a rumor that the Alamo had been captured, and privately confiding in its truth, though pretending in the hope of avoiding a panic to disbelieve it, he dispatched an express to Fannin, countermanding his previous order and instructing him, "as soon as practicable," to fall back to Victoria.

At Gonzales Houston found "three hundred and seventy-four effective men, without two days' provisions, many without arms, and others without any ammunition;" and although a few had served under Austin and Burleson the preceding year, the most of them were entirely innocent of any knowledge of military discipline. While waiting for confirmation of the fall of the Alamo, he seized the opportunity to organize his force. A regiment was formed with Edward Burleson for colonel, and Sidney Sherman and Alexander Somervell lieutenant-colonel and major respectively. Houston regretted, however, that he had not time to teach the men "the first principles of the drill."

Deaf Smith, Henry Karnes, and R. E. Handy, sent out on the morning of the 13th with instructions to approach near enough to San Antonio to learn the fate of the Alamo, met Mrs. Dickinson, the wife of a lieutenant killed in the Alamo, some twenty miles from Gonzales, and learned that the worst had happened, and that a division of the enemy under General Ramirez y Sesma was already on the march eastward. They returned with her to camp, where they arrived about twilight, and her report threw both army and town into the greatest confusion and excitement. Thirty-two of Santa Anna's victims had left their homes in Gonzales no longer than two weeks before, and the grief of their stricken families was intense. Others, with ears only for the news that the Mexicans were advancing, hastened to flee for their lives—a few of the little army who had left their own families unprotected doubtless among them. Houston thought his posi-

¹ This chapter was written by the editor. In a slightly different form it appeared in *The Quarterly* of the Texas State Historical Association, IV, 237-270.

tion too advanced and his force too small to meet the enemy at Gonzales, and in the midst of the general excitement ordered his men to prepare for retreat. Some of his few baggage wagons being surrendered to the helpless citizens of the town, the soldiers were forced to destroy all clothing and stores, except what they could carry on their persons, and his only two pieces of cannon were thrown into the Guadalupe. Before midnight he was on the march, his plan, as reported by himself at the time, being to halt on the Colorado until strengthened sufficiently to meet any force that the Mexicans might send against him. And before morning Gonzales was burned to the ground, that it might not afford shelter and supplies to the approaching enemy.

At the Colorado, Houston would be near the most populous section of the state where he could easily command its resources and receive quick reinforcement; while so long as he could hold that line, the Mexicans would be restricted to an uninhabited country, where they could do little damage to Texas, and whence, if held long enough in check, they might be compelled to withdraw merely through failure of their own supplies.

After receiving several small reinforcements along the line, the army reached Burnham's crossing on the Colorado in the afternoon of the 17th, when Houston reported his strength as six hundred men. Remaining here two days, Houston crossed the river and descended the east bank to Beason's Ford, near the present town of Columbus, where he pitched camp for nearly a week.

Before leaving Burnham's however, a scouting party, consisting of Deaf Smith, Henry Karnes, R. E. Handy, and three others, was sent back toward the Navidad to reconnoiter. They encountered a scouting party of the enemy at Rocky Creek and took one prisoner, from whom they learned that General Sesma was near with a considerable force. The latter, indeed, who had left Bexar on the 11th with orders from Santa Anna to proceed through San Felipe and Harrisburg to Anahuac, encamped the night of the 21st on the west bank of the Colorado, only two miles above the Texans. He had but seven hundred and twenty-five men, and having already asked for reinforcements, and finding the river well defended, he made no attempt to cross.

In this position the two armies remained five days, Houston receiving reinforcements all the time until, by the 26th, he could have mustered from twelve to fourteen hundred men, though the two cannon for which he had sent William T. Austin to Velasco did not arrive. Several prisoners were taken from time to time, and almost the exact strength of the enemy being learned, the Texans became eager to fight. Houston, too, seemed to think it desirable to engage Sesma here; but suddenly changed his mind, and late in the afternoon of March 26th began to fall back towards the Brazos.

When, along with the news of Fannin's misfortune, it became known that the Texans were falling back from the Colorado, the wildest confusion seized upon all east of that river. Reinforcements on their way to join the army faced about, and fled with their families to put them in safety beyond the Sabine. And many of the volunteers already with Houston—either with or without permission—left him

for the same purpose, so that when he reached the Brazos his force was reduced more than half.

Arriving at San Felipe on the 28th, the little army remained over night and set out the next day for Groce's, fifteen or twenty miles up the river. Many thought that since most of the settlements were down the river, the movement should be made in that direction, and Moseley Baker and Wily Martin refused to follow Houston further. The former, therefore, was ordered to guard San Felipe with his company of a hundred and twenty men; while the latter, with a hundred men, was sent to hold the crossing at Fort Bend. After encamping near Mill creek on the night of the 29th and marching but a few miles the next day, the main force came to Groce's on the 31st and went into camp for nearly a fortnight.

Santa Anna, in the meantime, had ordered General Gaona to diverge from his original route to Nacogdoches and advance from Bastrop upon San Felipe, and Urrea to march upon Brazoria. He then started five hundred men under Colonel Augustin Amat to reinforce Sesma, and leaving General Filisola at Gonzales, to take command of these and superintend their passage of the Guadalupe, he pressed on to join Sesma himself. He overtook Sesma just after that general had crossed the Colorado at the Atascosita ford, and together they hastened after Houston to San Felipe. They reached the ruins of the town on April 7. Moseley Baker had burned it March 29, upon a report from his scouts that the enemy was approaching.² Finding the crossing here in possession of Baker's company, Santa Anna made a reconnaissance for several miles up and down the swollen river in the hope of discovering a ford where he might cross and surprise Baker by a night attack. But failing in this, he ordered the construction of two large flat-boats, and then, too impatient to remain inactive while this was being done, for he desired to end the campaign before the rains rendered the country impassable, set out down the river with five hundred grenadiers and fifty cavalry, looking for more expeditious means of crossing. After three days he gained possession of the ferry at Fort Bend,³ and was joined on the 13th by Sesma, who had been awaiting in vain at San Felipe the arrival of Gaona and Filisola.

Here Santa Anna learned that the seat of government was at Harrisburg, only twelve leagues distant, and unprotected, and that by a rapid march he might succeed in capturing the President and all his cabinet, among them his old enemy, Lorenzo de Zavala. Abandoning, therefore, what was perhaps his original plan of pursuing Houston and forcing a battle near Groce's, he left Sesma with a part of his

² In 1838 Baker declared under oath that this was done in accordance with Houston's written order (*Texas Almanac*, 1860, 59); but the latter always denied it. Even as early as March 31, 1836, writing to Rusk (Yoakum, II, 487-88), he says, "Two nights since, when it was reported that the enemy were on this side of the Colorado, the citizens of San Felipe reduced it to ashes. There was no order from me for it." He adds, however, "I am glad of it, should the enemy march there."

³ One Texan story goes that the Mexicans came to the ford and spoke English, whereupon a boat was sent over to them which they seized (*Texas Almanac*, 1860, 23). But, in fact, they captured a skiff in which a negro had stolen across, and passing a sufficient number of men over in this, surprised the Texans and drove them away from the ferry.

division, and sealed instructions to Filisola, when he should come up, and with the rest of Sesma's force—seven hundred infantry, fifty cavalry, and a six-pound cannon—hastened on towards Harrisburg. Reaching that place during the night of April 15th, he found it abandoned. Three printers captured in the office of the *Telegraph* and *Texas Register* informed him that the officers of the government had departed that morning for Galveston Island, and that Houston was at Groce's with eight hundred men. A reconnoitering party sent out towards Lynchburg reported that settlers in that direction uniformly declared that Houston intended retreating to the Trinity by way of Lynch's Ferry, and Santa Anna, by his own account, formed the plan of intercepting him there. Ordering Filisola, who had now come up with Sesma, to reinforce him with five hundred picked infantry (*infantes escogidos*), he set fire to Harrisburg and pushed on to overtake his scouts at New Washington—having sent them there, it would seem, for plunder.

In marked contrast with the impetuosity of Santa Anna was Houston's long delay in the bottom opposite Groce's. He sought to employ his leisure in the better organization of his forces; a new regiment was formed with Sidney Sherman as its colonel, and numerous promotions were made in consequence. A medical staff also was created, and specific duties assigned to each of the six or eight physicians with the army. But the volunteers did not take kindly to discipline. They had little respect for the fighting ability of the Mexicans, and chafed at their commander's delay. Many came to believe that Houston desired to avoid a conflict altogether, and that his only movement from the Brazos would be to continue the retreat eastward.

Despite the general dissatisfaction of the men, however, the army was gradually reinforced to almost its size on the Colorado. General Rusk, Secretary of War, arrived on April 4th, and in consultation on the night of the 11th he and Houston decided to cross to the east side of the river. This operation—rendered very tedious on account of the absence of a ferry boat and the presence of several wagons with their ox teams and some two hundred horses—was completed by means of the steamboat *Yellowstone* on the 13th, before which time Houston was apprised of the passage of the river by the enemy at Fort Bend. Orders had already been issued to the scattered detachments at San Felipe, Fort Bend, and Washington to join the main army at Donoho's, a few miles east of Groce's, and thither Houston took his way in the afternoon of the 14th, the difficulties of his march being increased by the addition to his train on the 11th of the "Twin Sisters," two six-pound cannon presented to Texas by the people of Cincinnati.

The hypothesis that Houston's plan was to retreat to Nacogdoches, or perhaps to the Sabine, had little to support it beyond his apparent reluctance to face the enemy, and the known fact that there was a large body of United States troops at Fort Jessup, near Natchitoches in Louisiana, whose protection from both Mexicans and Indians many relied upon, in case the worst came, and Texas had to be temporarily abandoned. But subsequent knowledge of the sympathy of General Gaines, who commanded these troops, and of the attitude of President Jackson towards the Texas question has, it is sometimes contended,

clearly proved that Houston's purpose throughout the campaign was to draw Santa Anna to the Sabine, where it was hoped that he might inadvertently offer General Gaines an excuse for taking up the war and establishing a protectorate of the United States over Texas.

As a matter of fact, some negotiations were made to enlist the support of these forces; but they were made by the civil government and the citizens of Nacogdoches, and it is doubtful whether Houston at the time knew anything about them. The following letter from the Secretary of State, Sam P. Carson, gives the first suggestion of these overtures:

"His Excellency David G. Burnet.

"12 o'clock. News—good news.

"I have just heard through a source in which Judge Hardin has confidence that a company or battalion of U. S. troops left Fort Jessup eight or ten days since, crossed the Sabine and were marching towards the Neschies. I believe it to be true. General Gaines is there and doubtless my letter by Parmer had the desired effect. Jackson will protect the neutral ground, and the beauty of it is, he claims to the Neschies as neutral ground. I should like his protection that far at present. If we are successful, we can hereafter negotiate and regulate boundaries. This news, just arrived, has infused new life into people here, and be assured I will keep the ball rolling. . . .

"CARSON."

The letter bears no date, but was certainly written in the earlier part of April, probably on the 4th.

By way, as he would perhaps have expressed it, of "keeping the ball rolling," Carson pushed on to Fort Jessup—officially, it is presumed, since he was still Secretary of State—and tried the efficacy of a personal appeal to General Gaines. His formal report to the President and cabinet gives the result of the interview, together with some other interesting information:

"NACHITOCHES, April 14, 1836.

"To his Excellency David G. Burnet and the Cabinet of the Republic of Texas.

"GENTLEMEN: On my arrival here last night I met with General Gaines and have had with him a full and *satisfactory* conversation. His position at present is a delicate one, and requires at his hands the most cautious movements. The object of the concentration of forces at Jessup is to protect the frontier and neutral ground, also to keep the Indians in check and repress savage aggressions. This he is bound to do in fulfillment of treaty stipulations between the government of the United States and Mexico. General Gaines issued an order to prepare thirteen companies to march this evening to the Sabine, with two field pieces with seventy-five rounds for each and thirty-five rounds for the infantry—also twelve days provisions, etc.

"I herewith send you a copy of his requisition upon the government to Louisiana to furnish a brigade of mounted volunteers: a similar request has been made to the governors of Tennessee, Mississippi, and Alabama, requiring, however, only a battalion of the latter in consequence of the Florida war. He will have in a few days (say 20 or 30) from seven to eight thousand men with him. You will perceive

that we *cannot use Indian auxiliaries* unless in *self defense*. The treaty referred to requires the United States to put such conduct down.

"I cannot state positively what General Gaines may do, but one thing I think I may say, that should he be satisfied of the fact that the Mexicans have incited *any Indians*, who are under the control of the United States, to commit depredations on *either* side of the line, he will doubtless view it as a violation of the treaty referred to, and be assured that he will maintain the honor of his country and punish the aggressor, be he who he may. Now the *fact* is that the Mexicans have already with them a number of the Caddoes, some Cherokees, and Indians of other tribes which are under the protection and control of the United States. It is only necessary then to *satisfy* General Gaines of the fact, in which case, be assured he will act with energy and efficiency. The proofs will, I have no doubt, be abundant, by the time he reaches the Sabine; in which case he will cross and move upon the aggressors.

"Yours,

"SAM P. CARSON."

"P. S. I have written General Houston and requested him to forward the communication to you."

General Gaines did, indeed—upon information furnished him mainly, however, by the Committee of Safety and private citizens of Nacogdoches—advance to the Sabine with thirteen companies; but finding there that the Indians had killed but one man, and that not in such a manner as to indicate a "*spirit of general hostility* towards the inhabitants," he contented himself with halting on the left bank of the river and sending a warning message to the Cherokee chief Bowles. That he was in eager sympathy with the Texans and wished to help them seems clear, but the simultaneous reports that Santa Anna has been defeated and captured at San Jacinto and that "the Cherokee and other Indians in Texas from our side of the national boundary line are disposed to return to their villages, plant corn, and be peaceable," relieved him alike of the necessity and the pretext.

Whether Houston ever received Carson's letter, informing him of the movements of General Gaines is questionable. At any rate, he proceeded to Harrisburg, arriving opposite its site in the forenoon of the 18th. The Texans rested here until the following morning, and during their halt two couriers were captured, bearing dispatches from Filisola and the Mexican government to Santa Anna, from which Houston first definitely learned that the latter was leading the troops to the east of him.

On the morning of the 19th both Houston and Rusk made encouraging addresses to the soldiers, declaring that they were now going to fall upon the enemy, and urging them to avenge their comrades of the Alamo and Goliad. After leaving in camp here his baggage train and some hundred and fifty or two hundred sick and inefficient, with seventy-five men under Major McNutt to guard them, Houston marched down the left bank of Buffalo bayou, and crossing below the mouth of Sims's bayou, pressed on across Vince's bridge towards the San Jacinto. The march was kept up till nearly midnight, when the exhausted men were allowed to rest for a few hours. At daybreak, however, they were again put in motion, and when, about six o'clock,

a halt was made for breakfast and the scouts came galloping up and reported that they had discovered the advance guard of the enemy returning from New Washington, the half-cooked food was bolted down and a hurried march continued to Lynch's Ferry, where they arrived early in the forenoon.

Almost immediately upon their arrival at the ferry, the enemy's advance guard was seen approaching, and the Texans fell back about half a mile, to establish themselves in a live-oak grove on the bank of the bayou. In front of them, and extending to the right towards Vince's bayou, was a prairie, perhaps two miles in width, bounded on the south by a marsh; to the left was the San Jacinto river; and at their back, Buffalo bayou. Into this prairie the Mexicans soon fled from the direction of New Washington—which they had just burned—and formed their camp near the southern edge.

Early in the afternoon Santa Anna advanced his artillery—one six-pounder—under cover of the cavalry, and fired a shot at the Texans, but this was immediately returned from the "Twin Sisters," and the cannon was hastily withdrawn to the protection of a cluster of timber, from which it continued to be fired at intervals throughout the afternoon. A few hours later, Colonel Sherman, according to his own account, asked and obtained permission to advance with mounted volunteers and attempt to capture it. But he got into a rather lively skirmish with the Mexican cavalry, creating a good deal of excitement in the Texan camp thereby, and returned with two men seriously wounded, one of whom afterwards died. Nothing else of interest occurred during the rest of the afternoon.

In the light of a subsequent event—the arrival of reinforcements to Santa Anna on the 21st—it would have been better for General Houston to fight the battle of San Jacinto on the 20th; but his delay was natural. The army had made forced marches from Harrisburg, had slept little the previous night, and the men were necessarily greatly fatigued; a complete rest for them, therefore, might well have been considered desirable. It is by no means certain, either, that, as has been charged, the dispatches captured at Harrisburg gave the Texans definite information that Santa Anna was expecting reinforcements, though they did, perhaps, afford ground for suspecting it.

On the morning of the 21st, General Cos arrived with some four hundred men, and increased Santa Anna's strength to eleven hundred and fifty or twelve hundred.⁴ This gave the latter considerable

⁴ Texas historians generally, following Houston's official report of the battle of San Jacinto, place this number much higher, varying it from sixteen hundred down to thirteen hundred men. Houston says (Report, 3—published also in Brown, II, 18-23; Yoakum, II, 498-502; Kennedy, II, 222-227; and elsewhere) concerning the whole number of the enemy, Cos came up, "increasing their effective force to upwards of 1,500 men;" and again, after the battle, he reports, "The enemy's loss was 630 killed * * * wounded, 208, * * * prisoners, 730." But all Mexican authority, accepted by Yoakum (II, 122) and Bancroft (II, 250), agrees that Santa Anna left Fort Bend with no more than 750 men,—though Brown (II, 11), counting, perhaps, Sesma's whole division, a part of which remained on the Brazos, says he "had with him between eleven and twelve hundred." And Texan writers almost uniformly put Cos's reinforcements at 500 about 100 of whom, as we know from both Mexican (*Verdadera Idea*, 87; Filisola: *Memorias para la Historia de la Guerra de Tejas*, II, 473) and Texan authority were left at Harrisburg. Houston himself, unless he counted the wounded twice, disposed of only 1,360, and it is well established that scarcely 40 escaped.

advantage over Houston, who had but seven hundred and eighty-three men.

Some time during the forenoon Deaf Smith left camp to destroy Vince's bridge—not, as is popularly believed, for the purpose of making the approaching conflict a death struggle, but to obstruct the march of additional Mexican reinforcements.⁵ And about midday Houston called a council of war in which it was decided to attack the enemy at daybreak the following morning; but this decision being rather sullenly received by the majority of the army, most of which opposed delay, the question was submitted directly to the men through their respective captains, and settled in favor of immediate attack.

About three o'clock in the afternoon of April 21st, therefore, Houston gave the order to prepare for action. The line having been formed, an advance was made upon the enemy which took them almost completely by surprise, most of the officers—Santa Anna included—being asleep. The Mexicans made one confused effort to sustain the charge, then broke and fled in utter panic. The Texans pursuing, the rout became a slaughter which only stopped at nightfall,—though the battle proper lasted perhaps not more than thirty minutes. Practically the entire Mexican force was either killed or captured, and of the Texans, two were killed and twenty-three wounded—six mortally. The following day Santa Anna was captured and brought into camp, when an armistice was arranged between him and Houston providing for a cessation of hostilities until a permanent peace could be negotiated. And in the meantime Filisola was to fall back from Fort Bend to San Antonio, and cause Urrea to do the same from Victoria.

From San Jacinto Santa Anna was taken with the other prisoners to Velasco, and there on May 14th the treaty of that name was arranged between himself and the government of Texas. The public treaty provided, among other things, for a cessation of hostilities; the immediate withdrawal of the Mexican forces beyond the Rio Grande; the restoration of property taken by the Mexicans; and, finally, that the Texan army should not approach nearer than five leagues to the retreating Mexicans. At the same time a secret agreement was made with the captive dictator in which the government promised, in return for his solemn pledge to use his influence in securing an acknowledgement of Texan independence, to immediately liberate him and send him to Vera Cruz.

On May 26th, General Filisola ratified the public treaty and fulfilled its provisions by abandoning Texas; but through the interference of the enraged army the Texan government was compelled to break the secret articles, and Santa Anna was detained a prisoner until late in 1836, when he was sent to Washington, D. C. Quite naturally he felt himself absolved from his promise to labor for Texan independence.

⁵ The whole episode of Vince's bridge has received an emphasis from the historians which is probably far beyond its real importance. The bayou does not exceed three miles in length, and could have been "headed" by either reinforcements or fugitives with the loss of but a few hours at the most.

And though this was practically established by the battle of San Jacinto, it was not until the settlement of the Mexican War by the treaty of Guadalupe Hidalgo in 1848 that Mexico formally renounced her claims to Texas.

The official reports of Houston and Santa Anna which follow give additional details concerning the battle of San Jacinto.

“HEADQUARTERS OF THE ARMY,

SAN JACINTO, April 25, 1836.

“To His Excellency David G. Burnet, President of the Republic of Texas.

“SIR: I regret extremely that my situation, since the battle of the 21st, has been such as to prevent my rendering you my official report of the same, previous to this time.

“I have the honor to inform you, that on the evening of the 18th inst., after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg. That evening a courier of the enemy was taken, from whom I learned that General Santa Anna, with one division of choice troops, had marched in the direction of Lynch’s ferry on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo bayou, below Harrisburg, on the morning of the 19th, having left the baggage, the sick, and a sufficient camp guard in the rear. We continued the march throughout the night, making but one halt in the prairie for a short time, and without refreshments. At daylight we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that General Santa Anna was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch’s Ferry. The Texan army halted within half a mile of the ferry in some timber and were engaged in slaughtering beeves, when the army of Santa Anna was discovered to be approaching in battle array, having been encamped at Clopper’s point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took position with his infantry and artillery in the center, occupying an island of timber, his cavalry covering the left flank. The artillery, consisting of one double fortified medium brass twelve-pounder, then opened on our encampment. The infantry, in column, advanced with the design of charging our lines, but were repulsed by a discharge of grape and canister from our artillery, consisting of two six-pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from which an occasional interchange of small arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three-quarters of a mile from our encampment, and commenced fortifications. A short time before sunset, our mounted men, about eighty-five in number, under the special command of Colonel Sherman, marched out for the purpose of reconnoitering

the enemy. Whilst advancing they received a volley from the left of the enemy's infantry, and after a sharp encounter with their cavalry, in which ours acted extremely well and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded and several horses killed. In the meantime, the infantry under the command of Lieutenant-Colonel Millard, and Colonel Burleson's regiment with the artillery, had marched out for the purpose of covering the retreat of the cavalry, if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st, at half past three o'clock, taking the first refreshment that they had enjoyed for two days. The enemy in the meantime extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the center of the breast-work in which their artillery was placed, their cavalry upon their left wing.

"About nine o'clock on the morning of the 21st, the enemy were reinforced by 500 choice troops, under the command of General Cos, increasing their effective force to upwards of 1,500 men, whilst our aggregate force for the field numbered 783. At half past three o'clock in the evening, I ordered the officers of the Texan army to parade their respective commands, having in the meantime ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their enthusiasm and confidence and heighten their anxiety for the conflict. Our situation afforded me the opportunity for making the arrangements preparatory to the attack, without exposing our designs to the enemy. The first regiment, commanded by Colonel Burleson, was assigned the center. The second regiment, under the command of Colonel Sherman, formed the left wing of the army. The artillery under the special command of Colonel George W. Hockley, Inspector-General, was placed on the right of the first regiment; and four companies of infantry, under the command of Lieut.-Col. Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by Colonel Mirabeau B. Lamar, whose gallant and daring conduct on the previous day had attracted the admiration of his comrades and called him to that station, placed on our extreme right, completed our line. Our cavalry was first dispatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and deploying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line and through an open prairie, without any protection whatever for our men. The artillery advanced

and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and canister.

"Colonel Sherman with his regiment, having commenced the action upon our left wing, the whole line at the center and on the right, advancing in double-quick time, rung the war cry, 'Remember the Alamo!' received the enemy's fire and advanced within point blank shot before a piece was discharged from our lines. Our lines advanced without a halt, until they were in possession of the woodland and the breastwork, the right wing of Burleson's and the left of Millard's taking possession of the breastwork; our artillery having gallantly charged up within seventy yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action until we were in possession of the enemy's encampment, taking one piece of cannon (loaded), four stands of colors, all their camp equipage, stores and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before, Captain Karnes, always among the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used pieces as war clubs, breaking many of them off at the breech. The rout commenced at half past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned with their killed and wounded. In the battle our loss was two killed and twenty-three wounded, six of them mortally. The enemy's loss was 630 killed, among whom was one general officer, four colonels, two lieutenant-colonels, five captains, twelve lieutenants. Wounded: 208, of which were: five colonels, three lieutenant-colonels, two second lieutenant-colonels, seven captains, one cadet. Prisoners, 730; President-General Santa Anna, General Cos, four colonels, aides to General Santa Anna, and the colonel of the Guerrero battalion are included in the number. General Santa Anna was not taken until the 22nd, and General Cos on yesterday, very few having escaped.

"About six hundred muskets, three hundred sabres and two hundred pistols have been collected since the action. Several hundred mules and horses were taken, and near twelve thousand dollars in specie. For several days previous to the action our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, illy supplied with rations and clothing; yet, amid every difficulty, they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity. There was no murmuring.

"Previous to and during the action, my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am assured they demeaned themselves in such manner as proved them worthy members of the Army of San Jacinto. Colonel Thos. J. Rusk, Secretary of War, was on the field. For weeks his services had been highly beneficial to the army; in battle he was on the left wing, where Colonel Sherman's command first encountered and drove

the enemy. He bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

"I have the honor of transmitting herewith a list of all the officers and men who were engaged in the action, which I respectfully request may be published as an act of justice to the individuals. For the commanding general to attempt discrimination as to the conduct of those who commanded in the action, or those who were commanded, would be impossible. Our success in the action is conclusive proof of such daring intrepidity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph received a lustre from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their general. Nor should we withhold the tribute of our grateful thanks from that Being who rules the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader, whilst devastating our country.

"I have the honor to be, with high consideration,

"Your obedient servant,

SAM HOUSTON,

"*Commander-in-Chief.*"

Santa Anna's report is dated March 11, 1837, after his return to Mexico from his imprisonment in Texas. He says:

"Early on the morning of the 19th, I sent Captain Barragan, with some dragoons, to a point on the Lynchburg road, three leagues distant from New Washington, in order that he should watch and communicate to me, as speedily as possible, the arrival of Houston: and, on the 20th, at eight o'clock in the morning, he informed me that Houston had just got to Lynchburg. It was with the greatest joy that all the individuals belonging to the corps, then under my immediate orders, heard the news; and they continued the march, already begun, in the best spirit.

"At my arrival, Houston was in possession of a wood on the margin of Buffalo bayou, which, at that point, empties itself into the San Jacinto creek. *His situation rendered it indispensable to fight;* and my troops manifested so much enthusiasm, that I immediately began the battle. Houston answered our firing, but refused to come out of the cover of the wood. I wished to draw him into a field of battle suited to my purpose, and in consequence withdrew about one thousand yards distance, to an eminence affording a favorable position, with abundance of water on my rear, a thick wood on my right, and a large plain on my left. Upon my executing this movement, the enemy's fire increased, particularly that of his artillery, by which Captain Fernando Urriza was wounded. About one hundred cavalry sallied out of the wood, and boldly attacked my escort, which was posted on the left, causing it to fall back for a few moments and wounding a dragoon. I commanded two companies of cazadores to attack them, and they succeeded in repelling them into the wood.

"It was now five in the evening, and our troops wanted rest and refreshment, which I permitted them to take. Thus was the remainder of the day spent. We lay on our arms all night, during which I occupied myself in posting my forces to the best advantage, and procuring

the construction of a parapet to cover the position of our cannon. I had posted three companies in the wood on our right, the permanent battalion of Matamoras formed our body of battle in the centre, and on our left was placed the cannon, protected by the cavalry, and a column of select companies (*de preferencia*), under the orders of Lieutenant-Colonel Santiago Luelmo, which composed the reserve.

"On the 21st, at nine in the morning, General Cos arrived with four hundred men belonging to the battalions of Aldama, Guerrero, Toluca, and Guadalajara, having left one hundred men under the orders of Colonel Mariano Garcia, with their loads in a swampy place, near Harrisburg; and these never joined me. I then saw that my orders had been contravened; for I had asked five hundred select infantry, and they sent me raw recruits, who had joined the army at San Luis Potosi and Saltillo. I was highly displeased with this act of disobedience, and considered the new reinforcement as trifling, whereas I had before its arrival entertained well-founded hopes of gaining some decisive advantage *with the new succor, which was to have given me the superiority of numbers*. I disposed myself, however, to take advantage of the favorable disposition which I perceived in our soldiers on the arrival of General Cos; but the latter represented to me that having made a forced march in order to reach my camp early, his troops had neither eaten nor slept during twenty-four hours, and that while the baggage was coming up, which it would do within two more hours, it was indispensable to grant some refreshment to the soldiers. I consented to it, but in order to keep a watch over the enemy and protect the said baggage, I posted my escort in a favorable place, reinforcing it with thirty-two infantry, mounted on officer's horses. Hardly one hour had elapsed since that operation, when General Cos begged me, in the name of Don Miguel Aguirre, the commander of the escort, that I would permit his soldiers to water their horses, which had not drunk for twenty-four hours, and let the men take some refreshment. Being moved by the pitiable tone in which this request was made, I consented, commanding at the time that Aguirre and his men should return to occupy their position as soon as they should have satisfied their necessities; and his disobedience to this order concurred to favor the surprise which the enemy effected.

"Feeling myself exceedingly fatigued from having spent the whole morning on horseback, and the preceding night without sleep, I lay down under the shade of some trees, while the soldiers were preparing their meal. Calling General Castrillon, who acted as major-general, I recommended him to be watchful and to give me notice of the least movement of the enemy, and also to inform me when the repast of the soldiers would be over, because it was urgent to act in a decisive manner.

"I was in a deep sleep when I was awakened by the firing and noise; I immediately perceived we were attacked, and had fallen into frightful disorder. The enemy had surprised our advance posts. One of their wings had driven away the three companies (*de preferencia*) posted in the wood on our right, and from among the trees were now doing much execution with their rifles. The rest of the enemy's infantry attacked us in front with two pieces of cannon, and their cavalry did the same on our right.

"Although the mischief was already done, I thought I could repair it, and with that view sent the battalion of Aldama to reinforce the line of battle formed by that of Matamoras, and organized a column of attack under the orders of Don Manuel Cespedes, composed of the permanent battalion of Guerrero, and the piquets of Toluca and Guad-alaxara, which moved to the front with the company of Lieutenant-Colonel Luelmo, in order to check the advance of the enemy; but my efforts were vain. The line was abandoned by the two battalions that were covering it; and, notwithstanding the fire of our cannon, the two columns were thrown into disorder, Colonel Cespedes being wounded and Colonel Luelmo killed. General Castrillon, who ran to and fro to re-establish order in our ranks, fell mortally wounded; and the new recruits threw everything into confusion, breaking their ranks and preventing the veterans from making use of their arms, whilst the enemy was rapidly advancing with loud hurrahs, and in a few minutes obtained a victory which they could not, some hours before, even have dreamed of.

"All hopes being lost, and every one flying as fast as he could, I found myself in the greatest danger, when a servant of my aid-de-camp, Colonel Don Juan Bringas, offered me his horse, and with the tenderest and most urging expressions insisted upon my riding off the field. I looked for my escort, and two dragoons, who were hurriedly saddling their horses, told me that their officers and fellow-soldiers had all made their escape. I remembered that General Filisola was only seventeen leagues off, and I took my direction towards him, darting through the enemy's ranks. They pursued me, and after a ride of one league and a half, overtook me on the banks of a large creek, the bridge over which was burned by the enemy *to retard our pursuit*. I alighted from my horse and with much difficulty succeeded in concealing myself in a thicket of dwarf pines. Night coming on, I escaped them, and the hope of reaching the army gave me strength. I crossed the creek with the water up to my breast and continued my route on foot. I found, in a house which had been abandoned, some articles of clothing, which enabled me to change my apparel. At eleven o'clock A. M., while I was crossing a large plain, my pursuers overtook me again. Such is the history of my capture. On account of my change of apparel, they did not recognize me, and inquired whether I had seen Santa Anna? To this I answered that he had made his escape; and this answer saved me from assassination, as I have since been given to understand.

"By what has been already explained Your Excellency will see at a glance the principal causes of an event which with good reason was a surprise."

CHAPTER XXIV

THE REPUBLIC OF TEXAS¹

The domestic history of the Republic may be briefly summarized. President Burnet's administration was inaugurated at the gloomiest moment of the war. The Alamo had fallen, and Santa Anna's main division was advancing toward the heart of the colonies; Urrea, after destroying Johnson and Grant's forces, was pushing toward Fannin at Goliad; Houston was retreating from Gonzales; and the roads east of the Guadalupe were thronged with fugitives, seeking a refuge in eastern Texas or across the Sabine. Considering Washington on the Brazos too exposed for the seat of government, President Burnet established himself at Harrisburg. From there the approach of Santa Anna drove him about the middle of April to Galveston Island; but there were no accommodations at Galveston, and after the battle of San Jacinto the government made its third shift to Velasco. Finally, the close of the administration in October found the government at Columbia. In the midst of such confusion definite policies were not to be expected. The president simply met problems as they arose and dealt with them as he could.

Prior to the battle of San Jacinto, such time as the wanderings of the government permitted was employed in efforts to calm the fugitives, strengthen the army, and obtain supplies. These efforts were not conspicuously successful. The people were panic-stricken, and paid little attention to Burnet's reassuring proclamations; volunteers came but slowly to the army; and the substitution of Thomas Toby and brother in New Orleans for William Bryan as purchasing agent of Texas was all but disastrous. Bryan had been appointed by the general council in the fall of 1835, and had used his personal credit for nearly eighty thousand dollars in the Texan cause; while the Toby brothers were said to be on the verge of bankruptcy at the time of their appointment, and proved themselves far less efficient than Bryan had been.

Following the battle of San Jacinto the execution of the Treaty of Velasco became an issue. According to the secret treaty, the Texan government was to release Santa Anna and send him back to Mexico, where he agreed to use his influence to induce his government to recognize the independence of Texas. On June 1st Santa Anna was placed on board a government vessel destined for Vera Cruz, but before it got under way, on June 3, a party of immigrant volunteers arrived from New Orleans, and on learning that it was the intention to liberate the

¹ This chapter is inserted by the editor.

author of the Alamo and Goliad massacres demanded that he be surrendered to them. In the end the civil authorities were compelled to recall Santa Anna and hand him over to the army. He protested against this breach of the treaty and complained of the hardships to which he was exposed; but to this Burnet somewhat sharply replied that Santa Anna's visit among them had caused the Texans some privations and that for that reason they were little inclined to regret that he should share them. In July Santa Anna appealed to President Jackson to offer intervention in adjusting the relations between Texas and Mexico, but the Mexican government had disavowed the treaty of Velasco and had notified the powers that it would not recognize as binding upon it any act of Santa Anna, so that President Jackson took no action. After the failure of an attempt to rescue the distinguished prisoner, he was placed in very rigorous confinement and it was not until the inauguration of President Houston in October that he was released. He then visited Washington and again proposed intervention to President Jackson, who still declined to act. In February, 1837, he returned to Mexico, being carried to Vera Cruz by a naval vessel of the United States. The other Mexican prisoners captured at San Jacinto were liberated early in Houston's administration, after detention first at Galveston and later at Liberty.

The interference of the army in the case of Santa Anna reveals another source of confusion during the period of the *ad interim* government. The refusal of Mexico to accept the verdict of San Jacinto and its evident determination to renew the invasion of Texas, made it necessary to maintain a strong defensive force. This was composed chiefly of volunteers from the United States, many of whom did not yield patiently to discipline. When General Houston went to New Orleans to obtain treatment for his ankle, wounded at San Jacinto, the command devolved on General Thomas J. Rusk, secretary of war, and when, shortly afterward, Rusk resigned and the cabinet appointed Mirabeau B. Lamar to succeed him, the men refused to receive him and elected instead Gen. Felix Huston.

By mid-summer order was sufficiently restored for the people to give some attention to the establishment of a regular government. On July 23 President Burnet issued a proclamation calling an election for the first Monday in September. The congress then elected was to meet at Columbia the first Monday in October. Besides the election of officers the people were asked to vote on two other matters—(1) whether congress should be given authority to amend the constitution, and (2) whether Texas should seek annexation to the United States. Three candidates for the presidency appeared, Austin, Henry Smith and General Houston. Houston was elected by a large majority and immediately appointed Austin secretary of state and Smith secretary of the treasury. The constitution was ratified and the power of amendment was withheld from congress, and the vote in favor of annexation stood 3,277 to 91.

President Burnet's message to the first congress on October 4 reviewed the troubled career of the *ad interim* government and indicated the subjects which in his opinion required the immediate attention of congress. Concerning his administration he said: "It will be recol-

lected that the powers conferred on the government, 'ad interim,' were extraordinary, that they comprised the plenal attributes of sovereignty, the legislative and judicial functions excepted. The circumstances under which that government has been administered have been equally extraordinary.

"Sometimes, when Texas was a moving mass of fugitives, they have been without 'a local habitation' and scattered to the cardinal points; again they have been on Galveston Island, without a shelter, and almost without subsistence, and never have they been in circumstances of comfort and convenience suitable to the orderly conducting of the grave and momentous business committed to their charge. That errors should have been committed under such circumstances will not surprise those who have an honest consciousness of their own fallibilities. But that those extraordinary powers have not been perverted to any sinister purpose, to the damage of the country, to personal aggrandisement, or to the creation or advancement of a party, or to the success of a speculation, I assert with a modest but firm and assured confidence."

First, and most pressing, of the problems with which congress must deal was the organization of a system of finance. The debt incurred during the revolution was more than a million and a quarter, and the danger of renewed invasion by Mexico entailed a continuance of heavy expense in the army. As a Mexican province Texas had had no system of taxation, and congress must attack the subject *de novo*. Burnet recommended a tariff as the most ready means of revenue. For the army he recommended a continuance of the land bounty law which had expired in July, 1836, and the discouragement of short terms of enlistment. The navy was inadequate and an additional large vessel was needed. The judicial system should be organized, a postal system established, and some internal improvements begun—such as the bridging of small streams and the establishment of ferries on the larger ones. On October 22 President Burnet resigned his office and General Houston was inaugurated.

The most important laws passed by this congress were those dealing with the subjects suggested in Burnet's message. To meet financial needs a loan was authorized for five million dollars, to be secured by the public lands and a pledge of the public faith. This was passed November 18, 1836. On December 20, 1836, a tariff act was passed; on July 7, 1837, an issue of ten per cent interest bearing refunding stock was authorized, which was to be exchanged for certificates of government indebtedness, redeemable after 1842; and on June 17, 1837, a direct property tax of one-half of one per cent *ad valorem* was authorized. At the same time a system of occupation taxes was inaugurated. The post office department and the judiciary were established; and on December 19, 1836, an important act was passed fixing the boundary of Texas at the Rio Grande from its mouth to its source, and thence northward to the forty-second parallel of latitude. A law establishing a general land office was vetoed by President Houston, but was passed by a constitutional majority, and ultimately became effective.

Houston's inaugural message was purely formal. His message of May 5, 1837, to the second session of the first congress was of greater interest. The United States had recognized the independence of Texas

on March 3, 1837, and in referring to this the president said, "We now occupy the proud attitude of a sovereign and independent republic, which will impose upon us the obligation of evincing to the world that we are worthy to be free. This will only be accomplished by wise legislation, the maintenance of our integrity, and the faithful and just redemption of our plighted faith wherever it has been pledged. Nothing can be better calculated to advance our interests and character than the establishment of a liberal and disinterested policy, enlightened by patriotism, and guided by wisdom."

Concerning the finances there was nothing encouraging to report. Agents appointed to sell land scrip in the United States had failed to report, and commissioners appointed to negotiate the five million dollar loan had found financial conditions so unsteady in the United States that they had been unable to place any portion of the loan. Congress should devise a land system that would guard the interest of the government and prevent fraud, and at the same time protect the rights of *bona fide* claimants against confiction titles. As to the form of this law the president made no suggestion. The army was in an excellent state of discipline. It had been reduced to about a thousand men, and the annual expense now entailed by it would fall below two hundred and thirty thousand dollars. The navy was too small, and the commerce of the country had suffered some damage from Mexican vessels in the gulf. Steps were being taken, however, to mend this deficiency. In connection with the navy President Houston referred to the subject of the African slave trade. "It cannot be disbelieved," he said, "that thousands of Africans have lately been imported to the island of Cuba, with a design to transfer a large portion of them into this republic. This unholy and cruel traffic has called down the reprobation of the humane and just of all civilized nations. Our abhorrence to it is clearly expressed in our constitution and laws. Nor has it rested alone upon the declaration of our policy, but has long since been a subject of representation to the government of the United States, our ministers apprising it of every fact which would enable it to devise such means as would prevent either the landing or introduction of Africans into our country.

"The naval force of Texas not being in a situation to be diverted from our immediate defense, will be a sufficient reason why the government of the United States, and England, should employ such a portion of their force in the gulf as will at once arrest the accursed trade and redeem this republic from the suspicion of connivance which would be as detrimental to its character as the practice is repugnant to the feelings of its citizens. Should the traffic continue, the odium cannot rest upon us, but will remain a blot upon the escutcheon of nations who have power and withhold their hand from the work of humanity."

Toward the Indians the president declared it to be the policy of the government "to pursue a just and liberal course . . . and to prevent all encroachments upon their rights." In his second annual message of November 21, 1837, he went into this subject more fully. It had been the policy of the administration, he said, to seek every possible means to establish relations with the Indians upon a basis of lasting peace and friendship. "At this time I deem the indications more

favorable than they have been since Texas assumed her present attitude. . . . The undeviating opinion of the executive has been, that from the establishment of trading houses on the frontier (under prudent regulations), and the appointment of capable and honest agents, the happiest results might be anticipated for the country. The intercourse between the citizens and Indians should be regulated by acts of congress which experience will readily suggest." In neither of these messages did the president make important specific recommendations, and few measures of a general character were passed during the remainder of his term.

The constitution provided that the first president should serve two years and should be ineligible for immediate reelection. Houston's term expired, therefore, in December, 1838. To succeed him the vice-president, Mirabeau B. Lamar, was almost unanimously elected. Despite a policy of peace with Mexicans and Indians and careful economy in all departments of the government, the public debt had increased to nearly two million dollars during Houston's term. No progress had been made toward placing the five million dollar loan, and the government had begun the issue of paper money. The subject of the finances Houston recognized as the most serious problem confronting the government, but he indulged strong hope that the organization of the land office and the opening of the public lands would speedily yield "a boundless revenue."

President Lamar's inaugural address was modeled to some extent on that of Thomas Jefferson when he assumed the presidency of the United States in 1801. It would be his policy to foster "agriculture, commerce, and the useful arts as the true basis of national strength and glory"; "and at the same time to lay the foundation of those higher institutions for moral and mental culture, without which no government, on democratic principles, can prosper, nor the people long preserve their liberties." In foreign policy we should "deal justly with all nations, aggressively to none"; and we should "court free and unrestricted commerce wherever it may be the interest of our people to carry the national flag." He was less wedded to the ways of peace however, than Jefferson had been, and while declaring that he preferred peace, he was "not averse from war." "I shall be ever ready to adjust all differences with our enemies by friendly discussion and arrangement, and at the same time equally prompt to adopt either offensive or defensive operations as their disposition and our own safety may render necessary." He was opposed to the annexation of Texas to the United States, and the address pictured eloquently and at length the advantages of independence.

The annual message of December 20, 1838, fills nearly thirty closely printed pages. It began with a brief discussion of our foreign relations. The United States had recognized our independence and the relations between the two countries was most cordial. To England and France, too, the independence of Texas could not be a matter of indifference, and recognition from them was soon to be expected. "With Mexico our posture is unchanged; she seems still to cherish the illusive hope of conquest, without adopting any means for its realization. A final abandonment of such hopes, or a more vigorous prosecution of the measures which would at once determine their worth, would be more consistent

with true glory and wisdom than this attitude of supine and sullen hostility. While we would meet with alacrity the first indication of a desire for a just and honorable peace, we should compel a more active prosecution of the war. If peace can only be obtained by the sword, let the sword do its work." This suggests a more aggressive policy than President Houston had favored.

Toward the Indians, too, Lamar was less patient than Houston had been, which may be partly explained, perhaps, by the fact that he entered political life as the private secretary of Gov. George M. Troup of Georgia. "As long as we continue to exhibit our mercy without showing our strength, so long will the Indians continue to bloody the tomahawk and move onward in the work of rapacity and slaughter." The Indians who emigrated from the United States—such as the Cherokees and their allies—had never acquired from Mexico any title to the lands that they occupied, and the treaty which, by the authority of the consultation and the provisional government, was negotiated with these Indians in February, 1836, had never been ratified by any competent Texan authority. This absolved us of any legal responsibility in the matter, and the conduct of the Indians had left us under no moral obligation toward them. "I would respectfully offer the following suggestions: That there be established, as early as practicable, a line of military posts, competent to the protection of our frontier from incursions of the wandering tribes that infest our borders; and that all intercourse between them and our citizens be made under the eye and subject to the control of the government. In order to allay the apprehensions of the friendly tribes, and prevent any collision between them and our citizens, I would recommend that each Indian family be permitted to enjoy such improvements as they occupy, together with a suitable portion of land, without interruption or annoyance, so long as they choose to remain upon it, and shall deport themselves in a friendly manner, being subordinate to our laws in all criminal matters, and in matters of contract to the authorized agents of the government. To this end, the appointment of suitable agents to reside among the located tribes would be necessary, whose duty it should be to keep up a vigilant espionage, cultivate friendly relations, and, as far as practicable, prevent all causes of interruption and collision between the Indians and our own people. Commissioners might be appointed to make treaties to this effect with such tribes as are disposed to peace and friendship, while those who reject the terms should be viewed as enemies, and treated accordingly. These gratuitous and liberal concessions, on our part, are perhaps due to the regard which we all entertain for peace. If, unhappily, they should be found inadequate to secure that desirable object, and the Indians shall persist in their extravagant demands, and resolve upon war, then let them feel that there are terrors also in the enmity of the white man, and that the blood of our wives and children cannot be shed without a righteous retribution." For this reason the president was moved to recommend the strengthening of the army and navy, while at the same time organizing the militia.

There had not been time since his inauguration for the president to enquire into fiscal affairs. The success of the loan, however, he considered very problematical, and for that reason he was unable to recom-

mend a reduction of taxes or of the tariff. He thought that the development of agriculture, commerce, and the mineral resources of the country would soon put the government in easy condition, and recommended the passage of a law reserving mineral rights to the state. In the meantime, he recommended the establishment of a national bank, owned and controlled by the republic. Based on a hypothecation of the national lands, the plighted faith of the government, and an adequate specie deposit, such a bank would be safe and would inspire confidence. The specie deposit would not need to be so large as in a privately owned bank, but, unfortunately, as Gouge remarked in his *Fiscal History of Texas*, Lamar did not indicate where any specie was to come from. Few banks in the United States were making any specie payments at the time, and coin was very rare in Texas.

This message has become justly famous for its strong advocacy of public education: "If we desire to establish a Republican government upon a broad and permanent basis, it will become our duty to adopt a comprehensive and well regulated system of mental and moral culture. Education is a subject in which every citizen and especially every parent feels a deep and lively concern. It is one in which no jarring interests are involved, and no acrimonious political feelings excited, for its benefits are so universal that all parties can cordially unite in advancing it. It is admitted by all that cultivated mind is the guardian genius of democracy, and while guided and controlled by virtue is the noblest attribute of man. It is the only dictator that freemen desire . . . Let me, therefore, urge it upon you, gentlemen, not to postpone the matter too long. The present is a propitious moment to lay the foundation of a great moral and intellectual edifice, which will in after ages be hailed as the chief ornament and blessing of Texas. A suitable appropriation of lands to the purpose of general education can be made at this time without inconvenience to the government or the people; but defer it until the public domain shall have passed from our hands, and the uneducated youths of Texas will constitute the living monuments of our neglect and remissness. To commence a liberal system of education a few years hence may be attended with many difficulties. The imposition of taxes will be necessary. Sectional jealousies will spring up, and the whole plan may be defeated in the conflict of selfishness, or be suffered to languish under a feeble and inefficient support; a liberal endowment which will be adequate to the general diffusion of a good rudimental education in every district of the republic, and to the establishment of a university where the highest branches of science may be taught, can now be effected without the expenditure of a single dollar. Postpone it a few years and millions will be necessary to accomplish the great design."

President Lamar's Indian policy was well received by congress. On the day the message was delivered a bill was passed authorizing the organization of a regiment of 840 men for the protection of the frontiers, and \$300,000 in promissory notes was appropriated for the purpose. On December 29 the president was empowered to accept the service of eight companies of mounted volunteers, for use chiefly against the Comanches, and \$75,000 was appropriated. January 23, 1839, three additional companies were approved; and on January 24 a million dol-

lars was appropriated for protection of the northern and western frontiers. During 1839 evidence fell into the hands of the government that the Mexicans were endeavoring to invite the Indians to war—particularly the Cherokee Indians. The growth of population and the rapid extension of the frontier into the Indian settlements caused constant broils and kept the Indians in an ugly mood. In 1839 the Cherokees, after fierce resistance, were driven from their settlement in East Texas, and the next year the Comanches were greatly weakened in three notable engagements. The first of these was the Council House fight at San Antonio in March, in which the Indians lost a number of their chiefs;² in August General Felix Huston defeated a large force at

² Colonel Hugh McLeod's report of this famous affair is as follows:

"SAN ANTONIO, March 20, 1840.

"*To His Excellency, Mirabeau B. Lamar:*

"**SIR:** On yesterday morning, the 19th inst., two runners came into town and announced the arrival of the Comanches, who, about a month since, held a talk at this place, and promised to bring in the Texan prisoners in their camp. The party consisted of sixty-five—men, women and children. The runners also informed us that they had with them but one prisoner, (the daughter of Mr. Lockhart).

"They came to town. The little girl was very intelligent and told us that she had seen several of the other prisoners at the principal camp a few days before she left; and that they brought her in to see if they could get a high price for her; and if so, intended to bring in the rest, one at a time.

"Having ascertained this, it became necessary to execute your orders and take hostage for the safe return of our own people; and the order was accordingly given by Col. William G. Cooke, Acting Secretary of War.

"Lieut.-Col. Fisher, First Infantry, was ordered to march up two companies of his command, and post them in the immediate vicinity of the council-room. The Chiefs were then called together, and were asked:

"'Where are the prisoners you promised to bring in to this talk?'

"**Muke-war-rah**, the Chief who held the last talk with us, and made the promise, replied: 'We have brought in the only one we had; the others are with other tribes.'

"A pause ensued because, as this answer was a palpable lie, and a direct violation of their pledge, solemnly given scarcely a month since, we had the only alternative left us. He observed this pause, and asked quickly,

"'How do you like the answer?'

"The order was now given to march one company into the council-room, and the other in the rear of the building, where the warriors were assembled. During the execution of this order, the talk was re-opened, and the terms of a treaty, directed by your Excellency to be made with them, in the case the prisoners were restored, were discussed; and they were told the treaty would be made when they brought in the prisoners. They acknowledged that they had violated all their previous treaties, and yet tauntingly demanded that new confidence should be reposed in another promise to bring in the prisoners.

"The troops being now posted, the Chiefs and Captains were told that they were *our* prisoners, and would be kept as hostages for the safety of our people then in their hands; and they might send their young men to the tribe, and as soon as our friends were restored, they should be liberated.

"Captain Howard, whose company was stationed in the council-house, posted sentinels at the doors, and drew up his men across the room. We told the Chiefs that the soldiers they saw were their guards, and descended from the platform. The Chiefs immediately followed. One sprang to the back door, and attempted to pass the sentinel, who presented his musket, when the Chief drew his knife and stabbed him. A rush was then made to the door. Captain Howard collared one of them and received a severe stab from him in the side. He ordered the sentinel to fire upon him, which he immediately did, and the Indian fell dead. They now all drew their knives and bows, and evidently resolved to fight to the last. Colonel Fisher ordered, 'fire, if they do not desist.' The Indians rushed on, attacked us desperately, and a

Plum creek, near Gonzales; and in October Col. John H. Moore led an expedition that destroyed the chief Comanche village on the upper Colorado and killed more than a hundred warriors, and, by mistake, it was claimed, some women. By the close of Lamar's term the Indians were undoubtedly in a more submissive mood than they had previously been since the declaration of independence, and it seems likely that his aggressive methods must be credited with some share of the success that followed Houston's gentler policy between 1842 and 1845. Houston

general order to fire became necessary. The Chiefs in the council-house, twelve in number, were immediately shot.

"The council-house being cleared, Captain Howard was ordered to form in front, to receive any who might attempt to retreat in that direction. He was subsequently relieved of command, in consequence of the severity of his wound, by Captain Gillen, who commanded the company during the rest of the action.

"Captain Redd, whose company was formed in rear of the council-house, was attacked by the warriors in the yard, who fought with desperation. They were repulsed, and driven into the stone houses, from which they kept up a galling fire with their bows and a few rifles. Their arrows, when they struck, were driven to the feather.

"A small party succeeded in breaking through, and gained the opposite side of the river, but were pursued by Colonel Wells, with a party of mounted men, and all killed but one (a renegade Mexican).

"A single warrior, who threw himself into a very strong stone house, refused every offer of his life, sent to him through the squaws, and after killing and wounding several of our men, was forced out by fire, late at night, and fell as he passed the door.

"In a melee action, and so unexpected, it was impossible to discriminate between the sexes, so similar in dress; and several women were shot. But when discovered, all were spared, and twenty-nine women and children remain our prisoners.

"Our loss was as follows:

"Killed—Lieut. W. M. Dunnington, First Infantry; private Kamunske, of (A) company; private Whitney, of (E) company; Judge Thompson, of Houston; Judge Hood, of Bexar; Mr. Casey, of Matagorda county, and a Mexican, name unknown. Total killed, seven.

"List of Wounded—Capt. George T. Howard, Capt. Mathew Caldwell, Lieut. Edward A. Thompson, First Infantry; private Kelly, company (1); Judge Robinson; Mr. Higginbotham; Mr. Morgan, and Mr. Carson. Total wounded, eight.

"Captain Howard, Lieut. Thompson and private Kelly very severely.

"The loss of the enemy was total, with the exception of the renegade Mexican, above mentioned, thirty-five killed, including three women and two children, and twenty-seven women and children, and two old men captured. The Mexican was allowed to leave the quarters, and his departure was unobserved.

"The regular troops did their duty, and the citizens rallied to our aid as soon as the firing was heard.

"Upwards of a hundred horses, and a large quantity of buffalo-ropes and peltries were taken.

"At the request of all the prisoners, a squaw has been liberated, and well mounted, to go to the main tribe, and tell them we are willing to exchange prisoners. She promises to return in four days, with our captive friends; and Col. Cooke and myself will wait here until her return.

"This communication is made at your request, to give you correct and early information, and is not designed to supersede the regular report of the commanding officer, Lieutenant-Colonel Fisher, to the War Department.

"I have the honor to be, with high respect,

"Your obedient servant,

"H. McLEOD,

"Adjutant and Inspector General."

found them at the beginning of his second term willing for a time to embrace the comforts of peace.

Lamar's educational view, too, met the approval of congress, and modest provision was made for the endowment of schools and colleges. January 26, 1839, a law provided that three leagues of land should be surveyed in each county, and devoted to the establishment of primary schools or academies. If there was not enough good vacant land in a county for this purpose, the survey was to be made from public land elsewhere. The president was to have surveyed, also, fifty leagues of land "for the establishment and endowment of two colleges or universities hereafter to be created." The following year—February 5, 1840—an additional league was appropriated for the schools of each county, and at the same time provision was made for certificating teachers. No teacher was to be given a certificate who was not capable of teaching reading, writing, English grammar, arithmetic and geography.

Other important legislation of Lamar's administration was the first "homestead law," approved January 26, 1839, a law granting 640 acre headrights to immigrant families who arrived in Texas before 1840, a law for the permanent location of the capital, and various acts for the increase of the revenues.

The homestead law "reserved to every citizen or head of a family in this republic, free and independent of the power of a writ of *fiere facias* or other execution issuing from any court of competent jurisdiction whatever, fifty acres of land or one town lot, including his or her homestead and improvements not exceeding five hundred dollars in value, all household and kitchen furniture (provided it does not exceed in value two hundred dollars), all implements of husbandry (provided they shall not exceed fifty dollars in value), all tools, apparatus, and books belonging to the trade or profession of any citizen, five milch cows, one yoke of work oxen, or one horse, twenty hogs, and one year's provisions; and that all laws and parts of laws contravening or opposing the provisions of this act be and they are hereby repealed; provided, the passage of this act shall not interfere with contracts between parties heretofore made." "This," says the late Judge C. W. Raines, "appears to be the first homestead act ever passed in any country."

On January 14, 1839, Lamar signed an act creating a commission of five to select a site for the permanent location of the government. As chosen by congress, the commissioners were A. C. Horton of Matagorda, J. W. Burton of Nacogdoches, William Meniffee of Colorado, Isaac Campbell of San Augustine, and Louis P. Cooke of Brazoria. The only restriction upon their freedom was that the site must be between the Brazos and Colorado rivers and west of the San Antonio road—in other words, it must be on the extreme western edge of settlement. The act provided that the capital should be named Austin. On April 13th the commissioners reported that they had selected the village of Waterloo on the east bank of the Colorado as the most available location. The president had already appointed Edwin Waller to supervise the survey of town lots and the erection of public buildings, and so well did he discharge these duties that the government was transferred to the new capital in October, 1839. At the time there was a good deal of opposition on the part of jealous towns and localities to the estab-

lishment of the capital in the western wilderness, but it proved an excellent choice, and undoubtedly hastened the extension of the western and northwestern frontier and furthered the development of the country.

Lamar's was an extremely busy administration. The country was actually developing very rapidly. The Indian wars and a more active policy toward Mexico than Houston had found it necessary to pursue were costly. The country had been compelled to resort to the issue of paper money before Lamar came in, and this was already beginning to depreciate. The five million dollar loan authorized by the first congress could be negotiated neither in the United States nor in Europe. Tax laws and tariff laws occupied much of the attention of every congress, but since taxes and tariff duties were payable in the paper of the government they yielded nothing in real money. As paper issues increased depreciation continued, and at the close of Lamar's term in December, 1841, the debt had grown to more than seven million dollars, and the value of government paper had declined to from fifteen to twenty cents on the dollar. Lamar has generally been condemned for his extravagance, and certainly some of his policies—notably the Santa Fé expedition, to be described later, were lacking in judgment; but it is difficult to avoid the conclusion that much of his so-called extravagance was justified in the end by its results. In considering the five million dollar addition to the public debt during the three years of his term it must be remembered that, on account of the depreciation of funds, the value received by the government was hardly more than a third of that amount.

For some months during 1840 and 1841 President Lamar was on a leave of absence for medical treatment in the United States, and the duties of the office were discharged by the vice-president, David G. Burnet.

Burnet and Houston were candidates for the presidency in 1841, and Houston was elected. His message of December 30 announced that his policy would be a continuation of that developed during his first term, and almost the opposite of that followed by Lamar. One-fourth of the money consumed by the wars would have been sufficient, he thought, to make our borders safe, if it had been employed in cultivating friendly relations with the Indians. He advised the conclusion of treaties with as many of the tribes as possible, and the establishment of a line of trading posts from the frontier to Red river, with one or more traders at each, and with twenty-five or thirty men to protect them. "I do not doubt that this system, once established, would conciliate the Indians, open a lucrative commerce with them, and bring continued peace to our entire frontier. Their intercourse with us would enable them to obtain articles of convenience and comfort which they could not otherwise procure, unless by a very indirect trade with more remote tribes who have commerce with traders of the United States. Finding a disposition on our own part to treat them fairly and justly, and dreading a loss of the advantages and facilities of trade, they would be powerfully affected, both by feelings of confidence and motives of interest, to preserve peace and maintain good faith."

Mexico had rejected our overtures for recognition, and he was of the opinion that no further advances should be made to the govern-

TEXAS CAPITOL BUILDING AT COLUMBIA

ment. But there was not the slightest danger of conquest from that quarter, and he recommended the cultivation of commercial relations with Mexicans on the border.

On the subject of the finances the message spoke plainly: "There is not a dollar in the treasury; the nation is involved from ten to fifteen millions. The precise amount of its liabilities has not been ascertained . . . We are not only without money, but without credit, and, for want of punctuality, without character. At our first commencement we were not without credit, nor had a want of punctuality then impaired our character abroad or confidence at home. Patriotism, industry, and enterprise are now our only resources, apart from our public domain and the precarious revenues of the country. These remain our only hope, and must be improved, husbanded, and properly employed." To meet the situation President Houston advised the passage of stay laws postponing the redemption of outstanding debts "to a period sufficiently remote to enable the government to redeem, in good faith, such as it ought to redeem." To attempt to tax the present population for the liquidation of the debt would be ruinous. For the future maintenance of the government he recommended the issue of \$350,000 in exchequer bills, secured by a specific appropriation of a million acres of land in the Cherokee district; and a loan of \$300,000 secured by specific assignments of the public land, which the bondholders were to acquire upon the failure of the government to meet the stipulations of its contract. The direct property tax should be reduced one-half, the remainder and all other public dues to be receivable only in gold and silver, "or equivalent currency." The exchequer bills were to be accepted as "equivalent currency."

The situation was all but desperate, and congress was in the mood for economy. It abolished a number of offices and reduced the salaries of others, but did not follow exactly the president's recommendations. Instead of reducing taxes one-half, Houston complained that it almost abolished them, and postponed payment for six months of those that it continued; it refused to authorize the new loan and repealed the five-million-dollar act passed by the first congress; and though it authorized the issue of exchequer bills, it failed to secure them by specific allotments of public land, and they rapidly depreciated, as other paper had done. The subject remained a troublesome one throughout the remainder of the life of the republic, and at the close of 1845 the public debt was estimated at nearly twelve million dollars.

At the same time Houston complained of the inefficiency and expense of the post office department. Both of these he attributed in some degree to the location of the capital on the edge of the western wilderness. In the spring of 1842, therefore, when the Mexicans made a foray and held San Antonio for a few days, he decided that the seat of government was too exposed, and, acting in accordance with his constitutional right, transferred it to Houston. An attempt to move the archives, however, was violently and successfully resisted by the citizens of Austin. Congress met at Houston in the winter of 1842, but thereafter the government was removed to Washington on the Brazos, where it remained during the rest of Houston's term. This defense of the archives by the people of Austin has been dubbed the "Archive War."

In December, 1844, Houston was succeeded by Anson Jones, who had been serving as secretary of state. Annexation was the all-absorbing issue at the time, and during the following year the domestic affairs of the republic were of small importance.

During Houston's second term the active career of the Texas navy came to an end. During the revolution four vessels were purchased and put in commission—the *Invincible*, the *Brutus*, the *Liberty*, and the *Independence*. They rendered a valuable service in protecting the coast and in annoying the enemy on his own shores, but various casualties overtook them and by the fall of 1837 all were gone. The *Invincible* ran aground at Galveston in trying to escape the Mexicans and was destroyed, and *Independence* was captured, the *Liberty* was sold for debt at New Orleans, and the *Brutus* was destroyed in Galveston harbor by a storm. President Houston's message of May 5, 1837, reminded congress that the commerce of Texas had suffered for want of an adequate navy. One of the first acts of the second congress, which met at Houston in November, 1837, was for the purchase of "a five hundred ton ship mounting eighteen guns, two three hundred ton brigs of twelve guns each, and three schooners of one hundred and thirty tons, mounting five or seven guns each." For this purpose \$280,000 was appropriated. The president appointed Samuel M. Williams of the firm of McKinney and Williams at Quintana to place the contract. In November, 1838, Williams closed a contract with Frederick Dawson of Baltimore for six vessels conforming to the above description, and during the summer and fall of 1839 they were delivered. As rechristened by the Texans, they were the *Austin*, the *Wharton*, the *Archer*, the *San Bernard*, *San Jacinto* and *San Antonio*. In addition to these, Gen. James Hamilton had purchased for the government the *Zavala*. As the French fleet had in the meantime destroyed the Mexican navy, the Texan vessels were for the moment not needed for defense, and congress passed an act in February, 1840, requiring the president to retire from the service temporarily all except those needed as revenue cutters. The act provided, however, that "should Mexico make any hostile demonstration upon the gulf, the president may order any number of vessels into active service that he may deem necessary for the public security." Lamar received information that Mexico was trying to obtain vessels in England for an attack on Texas, and therefore exercised the discretion which the law allowed him to keep the Texan fleet in service. Five of the vessels, commanded by Commodore E. W. Moore, he sent on a cruise to Yucatan, which was in rebellion against Mexico, and the following year (1841) a temporary alliance was made with Yucatan by which that state agreed to pay Texas \$8,000 for putting to sea three of its vessels and \$8,000 for every month of their active service against the common enemy. By the spring of 1842 the fleet was back in New Orleans undergoing repairs preparatory to enforcing Houston's blockade of Mexican ports. Before the vessels were ready for sea, however, the blockade was withdrawn. In January, 1843, congress passed a secret act ordering the sale of the navy, but the commissioners sent by the president to New Orleans to carry out the sale were persuaded by Commodore Moore to sail with him to Yucatan, the government of which had agreed to pay liberally for the assistance. His chief motive seems

to have been to obtain money with which to pay debts in New Orleans incurred in fitting out the vessels, and for which he felt a personal responsibility. A violent quarrel arose between Moore and the president, who finally issued a proclamation, declaring that Moore was guilty of "disobedience, contumacy, and mutiny." The quarrel had the effect of making public the law for the sale of the navy, and this aroused such strong popular opposition that the act was repealed February 5, 1844. When Texas was annexed to the United States its remaining vessels, four in number, were incorporated in the United States navy.

In contrast with the government, the people of Texas were coming to be fairly prosperous during the closing years of the republic. Immigration had been rapid since the battle of San Jacinto, and by 1846 there were probably a hundred thousand white inhabitants. Most of them came from the United States, where the panic of 1837 and subsequent years of depression turned the attention of many to the free lands of Texas as a field in which to rebuild their broken fortunes. Next in number to the Americans were the German immigrants, with here and there an occasional Englishman or Frenchman. A revival of the empresario system had been instrumental in hastening the settlement of the western and northwestern frontier. Crops were good and commerce was increasing, and indications were not lacking that in 1845 the hardest days of the republic were over.

As a subject of international politics the republic of Texas occupied no small place in the diplomacy of three of the principal powers of the world—the United States, England, and France, not to mention Mexico.³ This was largely due to the refusal of Mexico to recognize Texan independence. On May 20, 1836, as has already been said, the Mexican congress passed a resolution declaring that Santa Anna had no power to bind the nation in the treaty of Velasco, and notifying the world that Mexico would recognize no action taken by him while a prisoner. At the same time it was announced that the government was determined to reduce the rebellious Texans and was preparing an expedition for that purpose.

In fact, the government exerted itself strenuously to prevent the evacuation of Texas by Filisola, who succeeded to the command of the Mexican army after the capture of Santa Anna. He was instructed at all cost to retain Bexar, and was told that a division of four thousand men was being prepared to reinforce him. Filisola was already on the retreat to Matamoras when this dispatch reached him, and he continued his retreat. The next communication from the government relieved him of the command and appointed General Urrea to the place, but Urrea was now in Matamoras, whither he had preceded Filisola, and Filisola surrendered the command to General Andrade. Despite orders from

³ On the foreign relations of the Republic of Texas several recent publications demand mention: George P. Garrison (Editor), *Diplomatic Correspondence of the Republic of Texas*, 3 volumes (published by the American Historical Association, Washington, 1908-1911); Ephraim Douglass Adams, *British Interests and Activities in Texas, 1838-1846* (John Hopkins Press, Baltimore 1910); Justin H. Smith, *The Annexation of Texas* (The Baker and Taylor Company, New York, 1911); and E. W. Winkler (Editor), *The Secret Journals of the Senate of the Republic of Texas, 1836-1845* (published by the Texas Library and Historical Commission, Austin 1911).

Urrea to halt, Andrade continued the march to Matamoras, and before the end of July every Mexican soldier had crossed the Rio Grande.

Mexico continued to threaten invasion, and the Texans expected an expedition during the fall of 1836. On June 25, 1836, Mr. Powhatan Ellis, chargé d'affaires of the United States in Mexico, wrote his government that Mexico seemed determined to push the war, and that men were being impressed daily in the streets of the capital to swell the army of invasion. More important, from the point of view of the United States, was the rumor which Ellis had heard on good authority that Mexico had appealed to England for assistance in reducing Texas. On August 3 Ellis wrote more definitely on this subject. He said that the Mexican minister at London had been instructed to appeal to England for aid in restricting the spread of slavery, and then, if their overture were cordially received, to ask help directly in putting down the revolted colonists in Texas who were disobeying the Mexican laws and introducing slaves. On October 26 Ellis wrote that the troops that had been collecting in the capital took up the march for Texas the week before under the command of General Nicolas Bravo. They were all raw levies, he said, and probably did not exceed four thousand. Bravo seemed confident of success, and declared that the force would be increased to 12,800 men before it reached Texas. But, said Ellis, "however confident the officers may be of their success in the ensuing campaign, there is no doubt that a panic already prevails among the soldiers."

Long before these troops reached Texas party conflicts between the Centralists and the Federalists made it necessary for the government to turn them aside for service nearer home, and the danger to Texas passed. Though Mexican vessels were able for a time, on account of the weakness of the Texan navy, to annoy our gulf trade, President Houston was wise enough to perceive that Mexico was practically helpless, and adopted the policy of ignoring it as a source of real danger. He sent most of the army home on furlough and frowned upon border broils.

In the fall of 1838 the attention of Mexico was still further diverted from Texas by trouble with France. On November 27 a French squadron blockaded Vera Cruz, and a state of war practically existed until the following spring. Notwithstanding President Lamar's defiant inaugural address, he was anxious enough for peace with Mexico, and seeing in the French embroglio a favorable occasion for overtures, he appointed Barnard E. Bee to open negotiations. Bee was courteously received at Vera Cruz by General Victoria, who had been instructed by the Mexican government to treat him as a private individual and to get from him in writing a statement of his objects. If he came as a commissioner from Mexico's rebellious colonists, the government might consider his proposals; but if he came to treat for recognition, the government would ignore him, and Victoria should request him to depart. Bee accomplished nothing, and sailed from Vera Cruz on June 1 in a French vessel bound for Havana. He was encouraged by his experience and thought the day not distant "when a definite treaty boundary will be established between Mexico and Texas, consecrated as it must be by a lasting peace." As for an invasion of Texas, Bee thought it

was preposterous: "They have no navy; they have not a dollar in the treasury; they have not paid their officers or men for years; they owe Great Britain 60 million of dollars; they are paying France 200,000 dollars every two months: . . . Where, then, are they to get money to annihilate Texas? Sir, the question is settled."

Following Bee's withdrawal from Vera Cruz the Texan government became convinced that the government really desired peace. This conviction was induced by representations which James Treat of New York made to Gen. James Hamilton, who was representing Texas as a commissioner in placing the five million dollar loan. Treat said that he had received information through a friend in Mexico, an Italian gentleman, named Vitalba. This friend later came to New Orleans and had a conference with Treat and Bee, who had now reached that place on his return from Vera Cruz. From New Orleans Treat went to Texas and was commissioned to proceed to Mexico and negotiate for peace on the basis of recognition as a *sine qua non*. Recognition being granted, the only question remaining would be that of boundary. Texas would insist on the statutory boundary of December 19, 1836, following the Rio Grande from its mouth to its source and extending thence northward to the forty-second parallel. For this line Texas was willing to pay Mexico five million dollars, which Treat could disburse as seemed desirable, using as much as might be necessary in "secret service" work. At the same time Mexico might be sounded on a boundary which would follow the Rio Grande up to El Paso, and thence proceed due westward to the Gulf of California and the Pacific ocean. After the settlement of these two questions the agent might take up the negotiation of a treaty of amity and commerce.

Treat first returned to New York, and thence made his way to Mexico. He arrived at Vera Cruz November 28, 1839, and reached the capital two weeks later. Through the British chargé, Sir Richard Pakenham, he established unofficial communication with the government and placed his proposal before it. For a time he believed that the prospect of success was good; but after a year of alternating hope and discouragement he abandoned his vain task and embarked for Galveston. He died before reaching his destination on November 30, 1840.

Two weeks before Treat's death the British government signed a convention with the Texan minister at London agreeing to offer mediation in Mexico for the recognition of Texas. Hoping that this might induce a more conciliatory mood in the Mexican government, Lamar commissioned James Webb to proceed to Vera Cruz with full powers to negotiate a treaty. At Vera Cruz, however, he was not allowed to land, and communication with Pakenham at Mexico revealed the fact that the government had rejected the British offer of mediation.

In the meantime, the Federalists in northern Mexico had been making overtures to Texas. First they desired to transport arms through the republic, and later they proposed an alliance. They planned to detach the northern states from Mexico, and went so far as to declare the independence of the republic of the Rio Grande in January, 1840. The Texan government declined to have anything to do with this movement, but a considerable force of Texan volunteers joined the Federalists and participated in several rather serious battles.

Lamar's administration saw the only attempt that the Texans ever made to realize the boundary fixed by the law of December 19, 1836. The chief city in New Mexico was Santa Fé, on the east side of the Rio Grande, and therefore within the limits claimed by Texas. Between Santa Fé and St. Louis, Missouri, a valuable trade had long existed, and the strongest motive influencing Lamar seems to have been the desire to turn the profits of this trade to Texas. On April 14, 1840, he wrote a letter to "the citizens of Santa Fé," reminding them that Texas had "entered the great family of nations" and been recognized by the United States and France, while other powers of Europe were ready to extend the right hand of fellowship; our population was rapidly increasing by immigration from Europe and the United States; "and our commerce extending with a power and celerity seldom equaled in the history of nations. Under these auspicious circumstances, we tender to you a full participation in our blessings." He hoped that this communication would be received in the same spirit of kindness and sincerity in which it was dictated and expressed the hope that he should be able to send commissioners to them in September "to explain more minutely the condition of our country, of the sea-board, and the correlative interests, which so emphatically recommend, and ought perpetually to cement, the perfect union and identity of Santa Fé and Texas."

No reply to this communication was received, nor were commissioners sent in 1840. The suggestion aroused some interest in Texas, however, and the secretary of war recommended the construction of a military road to Santa Fé. Congress refused to make appropriation for a commission, but in the spring of 1841 President Lamar determined, nevertheless, that one should be sent, and on his own authority ordered the treasurer and comptroller to honor drafts presented for outfitting the expedition. As finally organized, the expedition consisted of three commissioners—William G. Cooke, R. F. Brenham, and J. A. Navarro—fifty merchants, and a military escort, for protection from the Indians, of two hundred and seventy men commanded by Gen. Hugh McLeod. The whole party organized near Austin and set out toward the end of June. The commissioners bore an eloquent address from Lamar to the "inhabitants of Santa Fé and other portions of Mexico east of the Rio Grande" inviting them to cover themselves with the protection of the Texan flag. The commissioners were instructed to try to secure the adhesion of the people to Texas, but not to use force; and if the Texan proffer were declined, to devote their efforts to establishing a commercial convention. The expedition reached New Mexico in the last stages of exhaustion from starvation and thirst and surrendered to Governor Armijo, who refused to believe that the Texans came on an innocent mission.

The prisoners were marched to Mexico and sent thence to various prisons. Those who were citizens of the United States or of European countries were soon released through the efforts of their governments; and Daniel Webster, as secretary of state of the United States, interceded with the Mexican government for the humane treatment of the Texans. On June 13, 1842, Santa Anna celebrated his birthday by

releasing the remaining prisoners, except Navarro, who did not make his escape until 1845.

In the meantime Mexico had again taken the aggressive and had made a brief invasion of Texas. On January 9, 1842, Gen. Mariano Arista issued from Monterey an address to the inhabitants of the "Department of Texas" pointing out the hopelessness of their struggle for independence and promising amnesty and protection to all who refrained from taking up arms during his contemplated invasion. At the same time he warned them that while his country held out "the olive branch of peace and concord with one hand, she would direct with the other the sword of justice against the obstinate." Early in March Goliad, Refugio, San Antonio, and Victoria were occupied for a few days by Mexican forces. The Texans were entirely unprepared, and at first great alarm was felt. Gen. Albert Sidney Johnston wrote General Hamilton on March 11, "the war, after great preparation on the part of the enemy, is upon us without the slightest effort having been made by us. Our people are, however, turning out well and hastening westward, for the purpose of concentrating to meet the enemy, and notwithstanding every advantage has been given, we rely upon the energy and courage of our people to achieve most brilliant results."

On the 10th President Houston issued a proclamation ordering the militia to be ready for a call, and the next day he wrote the Texan consul at New Orleans telling him the conditions upon which the government would receive emigrants from the United States: each should bring with him "a good rifle or musket, with a cartouch box, or shot pouch and powder horn, with at least one hundred rounds of ammunition, a good knapsack and six months' clothing, and enter service for six months subject to the laws of Texas. They must be landed for the present at some point west of the Brazos, with eight days' provision. No number less than fifty-six in companies well organized will be received, and on landing each commandant will report to the secretary of war for orders." By March 15 the Texan forces began to collect at San Antonio, but the Mexicans had retired on the 9th, and were already thought to be west of the Rio Grande. Many of the volunteers were anxious to invade Mexico, and General Burleson, who was in command at San Antonio, thought the invasion practicable. President Houston, however, wisely forbade such a movement before July 20, which was the earliest date at which he thought the necessary preparations could be made.

Fearing that Austin would be attacked, the president had transferred the government to Houston, and thither he called a special session of congress to meet on July 27. In his message he expressed the belief that Mexico could never conquer Texas, but he was convinced that it would continue to harass the frontier, and he advised a counter-invasion to bring the enemy to their senses. "We could at least impress them with the calamities which have thus far been incident to us alone, and create in them a desire for that peace which would be mutually advantageous to both parties." As usual, however, Houston refrained from pushing his views strongly on congress, merely urging that a decision be reached quickly, so that additional emigrant-volunteers could be prevented from coming to the country if they were not needed. Congress voted for a

declaration of war, and appropriated ten million acres of land to meet the expense, but this Houston considered totally inadequate and vetoed the bill, thereby abandoning for his own part the plan of an aggressive campaign.

The Mexicans had retired without doing any considerable damage, and it seems that the chief purpose of the invasion was to counteract the argument of annexationists in the United States, who contended that since Mexico had never made an official entrance into Texas since 1836, no attention need be paid by the United States to its claims. In September, 1842, another expedition penetrated to San Antonio under the command of Gen. Adrian Woll. This time some resistance was offered and the Mexicans lost a few men before the Texans, fifty-three in number, surrendered. The district court was in session at the time, and Judge Hutchinson and other officials were among those captured. As soon as the news spread Texan forces began to march to the relief of San Antonio, and a band of volunteers from Gonzales under Col. Matthew Caldwell succeeded in decoying a portion of Woll's division into an ambush on the Salado and inflicting considerable loss upon it. At the same time, however, a company from La Grange and Fayette county, coming to the relief of Caldwell, was surrounded by the Mexicans and cut to pieces. Woll occupied San Antonio September 11-20, and then retired, being pursued for several days by Colonel Caldwell.

Again the militia was called out, and volunteers began to collect at San Antonio, eager for an invasion of Mexico. About the middle of November some 750 men, commanded by Gen. Alexander Somervell, started for Laredo. They took the town on December 8, and part of the force then disbanded and returned home. The remainder continued the march down the Rio Grande, but on December 19 Somervell ordered them to retreat to Gonzales. Some three hundred of the men refused to obey his orders, elected Col. W. S. Fisher to lead them, and marched to Mier, where they fought a desperate battle with General Ampudia on December 25-26. The odds were hopelessly against them, and on the 26th they surrendered. Gen. Thomas Jefferson Green in his *Journal of the Texan Expedition against Mier* says that they were promised the treatment of prisoners of war though the official capitulation says merely that the Texans will be treated "with the consideration which is in accordance with the magnanimous Mexican nation." Green tells us that there were 261 Texans engaged in the battle of Mier, nearly forty having been left in camp to guard the baggage. Ten were killed, and twenty-three badly wounded, while the loss of the Mexicans was thought to be more than seven hundred. General Ampudia was ordered to send the prisoners to the capital. On the way they made a break for liberty, killed some of the guards, and escaped, but were later recaptured in the mountains and a tenth of their number shot. The survivors were eventually imprisoned in Castle Perote.

While the Mier prisoners were marching toward the south another Texan expedition, commanded by Col. Jacob Snively, was moving toward the northern boundary of Texas to capture a train of merchandise which it was known would be carried during the summer of 1843 from St. Louis to Santa Fé. The expedition had been authorized by the Texan government in February, but the force was composed of

volunteers who went at their own expense and who expected to repay themselves by the spoils of the caravan. They encamped on the Arkansas River to await the train, but before it arrived the party divided and Snively was left with only a few more than a hundred men. When the caravan arrived it was guarded by United States soldiers, who disarmed all but ten of Snively's men and ordered them home. The Texan government claimed damages from the United States for this act and was paid for the arms taken, but the expedition failed.

In the meantime President Houston had been trying to bring pressure on Mexico through the mediation of the strong foreign powers. The United States, as we have seen, recognized the independence of Texas in March, 1837, by accrediting to the republic a *chargé d'affaires*. France recognized it by concluding a treaty of commerce and friendship on September 25, 1839, which was ratified on February 14, 1840. British recognition was obtained in a series of treaties concluded in November, 1840, but these were not ratified until June 28, 1842. One of these British treaties was an agreement on the part of England to urge upon Mexico the recognition of Texas, and Lord Aberdeen on July 1, 1842, instructed the British *chargé* at Mexico to make the necessary representation to the Mexican government. This was done, but the overture was rejected. Immediately following the ratification of the British treaties an effort was made to get France, England, and the United States to make a joint demand on Mexico for recognition, but England refused to become a party to this tripartite action. At the same time, however, Lord Aberdeen suggested that the three governments might make identical representations on the subject to the Mexican government. Appropriate instructions were accordingly issued to the diplomatic agents of England and France for making such a representation, but these agents, knowing the uselessness of such action, did nothing.

On October 15, 1841, just after the retreat of General Woll from San Antonio, President Houston again appealed to the powers to use their influence to compel Mexico either to recognize the independence of Texas "or to make war upon her according to the rules established and universally recognized by civilized nations." "It has now been nearly seven years since the declaration and the establishment of the independence of this republic. During the whole of this time Mexico, although uniformly asserting the ability and determination to re-subjugate the country, has never made a formidable effort to do so. Her principal war has consisted of silly taunts and idle threats, of braggadocio bulletins and gasconading proclamations. All her boasted threats of invasion have resulted in nothing more than fitting out and sending into the most exposed portions of our territory petty marauding parties, for the purpose of pillaging and harassing the weak and isolated settlements on our western border." Mexico's object, he said, was merely to keep alive its claim to Texas and to retard the development of the country by threats that it had neither the intention nor the means to carry out.

Daniel Webster was secretary of state at this time in the United States, and on November 12, 1842, he instructed Waddy Thompson, the American *chargé* at Mexico, to urge recognition. The United States saw with pain the preparations for war, and while it disclaimed any right

to interfere, it could not be indifferent to a renewal of hostilities. He urged Mexico to accept the mediation of his government, and at the same time asked Texas to suspend any invasion it might be contemplating until the result of this overture could be learned.

Nothing came of this proposal, but on January 9, 1843, James W. Robinson, who had been lieutenant-governor of Texas under the provisional government in 1835-1836, and had been captured at San Antonio by General Woll in September, 1842, and was now in Perote, made a proposal to Santa Anna which led to negotiations. Robinson, who was anxious above all things to get out of prison, suggested that the people of Texas were tired of war and confusion and would be willing to be reunited with Mexico. He thought that if an armistice could be arranged, peace could probably be brought about by discussion. After a conference with him Santa Anna appointed Robinson a commissioner to go to Texas and open negotiations. Reunion with Mexico must be the *sine qua non* of any arrangement, but after acknowledging the sovereignty of Mexico, Texas might conduct its local affairs through its own officers pretty much as it pleased. Mexican troops would never be sent to the province.

President Houston had no intention of acknowledging the sovereignty of Mexico on any terms, but he was willing to play for time. A correspondence was continued through the British diplomatic agents at Mexico and at Houston, and it was finally agreed that commissioners should meet and arrange the terms of an armistice for the negotiation of a permanent settlement. Houston proclaimed a truce on June 15, 1843, and commissioners were appointed in the fall by both Texas and Mexico. They met at Salinas on the Rio Grande, and February 15, 1844, signed the armistice. Before following this phase of the subject further it will be necessary to return and trace briefly the movement for the annexation of Texas to the United States.

When Texas declared independence on March 2, 1836, the Texan commissioners, Austin, Archer, and William H. Wharton, were in the United States, and Austin was of the opinion that they could have obtained from congress the recognition of the new republic, if the *ad interim* government had sent them an official report of the battle of San Jacinto. Austin may have been mistaken, but both houses certainly sympathized deeply with the Texans, and before adjournment the senate committee on foreign relations reported that Texas ought to be recognized as soon as it had in operation a *de facto* government "capable of performing the duties and fulfilling the obligations of an independent power." On May 30th President Burnet appointed James Collinworth and P. W. Grayson to visit Washington and ask the mediation of the United States in securing from Mexico recognition of Texan independence. At the same time they were to sound the government on the subject of annexing Texas to the United States. They reached Washington after the adjournment of congress and had several conferences with Forsyth, President Jackson's secretary of state, but received no satisfaction. In the fall the Texans, as we have seen, voted (3,277 to 91) in favor of annexation to the United States, and one of President Houston's first acts was to send William H. Wharton to Washington to further this measure.

It was apparent, however, that recognition of Texan independence must precede any negotiation for annexation and at first President Jackson showed himself unexpectedly cautious. He had sent Henry M. Morfit to Texas in the summer of 1836 to report on the ability of the new government to maintain itself. Morfit wrote ten letters from Texas, filled with information that make them a most valuable source for the history of this time. On the whole his opinion of Texas was very favorable, but Bravo's invasion was expected during the winter and he advised that the United States withhold recognition until the result of the invasion was seen. President Jackson accepted the advice, and in a special message of December 21, 1836, recommended that congress await the outcome of the contemplated Mexican expedition. He closed the message by saying, however that if congress held a different opinion, he would be glad to cooperate in extending recognition without further delay. For reasons that we have already seen Bravo did not reach Texas during the winter, and thus strengthened the friends of Texas in congress. On March 1, 1837, the senate voted for recognition, and the house made appropriation to pay the salary of a diplomatic representative to Texas whenever the president thought it desirable to send one. Jackson considered this equivalent to recognition, and March 3, 1837, appointed Alcée La Branche of Louisiana chargé d'affaires to Texas.

This opened the way for the advancement of the annexation question, and on August 4 Hunt, the Texan representative, formally offered Texas to the United States. He argued that the revolution had been justified by the treatment which Texas had received from Mexico and by the hopeless political anarchy that had existed in Mexico since 1821; that Texas was now independent and free to dispose of itself without hindrance from any power; and that annexation would be mutually beneficial to the United States and to Texas. President Van Buren was opposed to annexation, however, and flatly declined the Texan offer. The question of slavery was becoming acute in the United States, and annexation was opposed by the anti-slavery party chiefly because it would extend slave territory. At the same time it was pretty evident that annexation would lead to war with Mexico. President Houston withdrew the offer of annexation in October, 1838, and there the matter rested for nearly five years.

During those five years the government of Texas became more and more involved in debt, but the country itself developed rapidly and its commerce became an object of some consideration. When this was perceived in the United States the annexation question ceased to be a purely sectional issue, and it became possible to consider the subject to some extent on its merits. Aside from the awakened economic interest, a general uneasiness spread over the country lest England gain ascendancy in Texas. England was known to desire a source of cotton supply outside the United States and to be interested in universal abolition of slavery. Texas offered a tempting field for British activity. Recent investigations have disclosed little evidence of a desire on the part of England to incorporate Texas in the British empire, but they have clearly proved its wish to establish a controlling influence and to prevent annexation by the United States.

On October 16th, 1843, President Tyler opened negotiations for the annexation of Texas by treaty. He was a slave owner, and was doubtless not averse to an extension of the slave territory of the United States, but he sincerely believed that Great Britain was on the point of gaining a foothold in Texas, which would be harmful to the United States. He may also have been influenced to some extent by the ambition to have his administration identified with a great measure like annexation, but it is now in a fair way to be conceded by students that his idea was statesmanlike and his motive patriotic. The truce between Texas and Mexico had just been arranged, and President Houston was in a position to feign indifference, if he did not feel it. He would not entertain Tyler's proposal until he was assured of two things: (1) That the treaty would command the two-thirds majority necessary for its ratification in the senate; and (2) that the United States would use its army and navy to protect Texas during the pendency of the negotiations, in case Mexico renewed its attempts at invasion. When he was satisfied on these points the treaty was signed at Washington, April 12, 1844. The senate rejected it on June 8. The motives for this were varied, but most of the senators were moved by the desire to postpone the issue until after the presidential election which would take place the following November. Tyler immediately submitted the question to the house and proposed annexation by joint resolution, which would require merely a simple majority vote, but congress adjourned the middle of June without action.

As Houston had foreseen would be the case, Mexico broke off the armistice as soon as it learned of the negotiations between the United States and Texas. As a matter of fact there had never been a chance of reaching an adjustment, because Texas had no intention of accepting less than recognition on condition of its assuming a portion of the Mexican debt, and Mexico insisted on reunion as a *sine qua non*. On June 16 General Woll notified President Houston that Mexico had resumed hostilities on the 11th of that month. Houston thereupon called on the United States to fulfill its promise of protection, and on September 10 John C. Calhoun, who was now Tyler's secretary of state, notified Mexico that the president would regard the invasion of Texas as "highly offensive" to the United States. The Mexican minister of foreign relations replied that his country would not be intimidated by the president's threats to desist from the effort to regain what was its own, but the government soon found reason to change its policy in the hope that Texas might be induced thereby to suspend further annexation negotiations.

During the summer of 1844 annexation was the most prominent question before the people of the United States. All the presidential candidates were required to define their positions with regard to it. Van Buren, the leading Democratic candidate, declared against immediate annexation, and failed of nomination by the national convention, which chose James J. Polk, a "dark horse" from Tennessee who had frankly declared for immediate annexation. Henry Clay, the leading Whig candidate, was also opposed to immediate annexation, and this is believed to have been the chief reason for the victory of the Democrats in the November election. Undoubtedly the tariff and other ques-

tions played a part in Polk's election, but the country as a whole interpreted his victory as a demand for annexation.

Tyler did not wait for Polk's inauguration to carry out this important measure. He placed the subject before congress in December, 1844, and a joint resolution was finally passed on February 28, 1845, defining the terms of annexation. Texas was to be admitted as a state and might, when qualified, be divided into as many as five states. Slavery was excluded from that portion of the territory claimed by Texas north of the parallel of 36° 30' north latitude; and boundary disputes with Mexico were to be adjusted by the United States. Texas was to retain its public lands as a means of paying the debt of the republic.

England and France, as well as Mexico, were greatly opposed to the annexation of Texas by the United States, and on January 12, 1844, before the treaty was negotiated, Lord Aberdeen instructed the British minister at Paris to sound the French government and learn whether it would cooperate with England in "deprecating all interference on the part of the United States in the affairs of Texas, or the adoption of any measure leading to the destruction of the separate existence of that State; at the same time, warning the Texan government to look to the preservation of their independence as the best security for their ultimate prosperity, both political and commercial." France was acquiescent, and on May 29 Aberdeen outlined to the Mexican minister at London a plan of operations which he proposed to submit to France: (1) Mexico must recognize the independence of Texas, and thereby remove, so far as Texas was concerned, one of the principal motives for desiring annexation; (2) England would then oppose annexation, and it was believed that France would join England not only in guaranteeing the independence of Texas, but also the boundaries of Mexico. Aberdeen said: "Provided that England and France were perfectly agreed, it would make little difference to England whether or not the American government consented to abandon the question; that if it were necessary, England would be willing to go to the last extremities in supporting its opposition to annexation." There were two important provisions here: Mexico must recognize Texan independence, and France must act with England. Before the reply of either France or Mexico was obtained Aberdeen received a long and able letter from the British minister at Washington. In this Pakenham pointed out that although the Senate had rejected the treaty, the question was before the country as one of the principal issues in the presidential campaign. If Clay were elected by the Whigs annexation would be postponed; but if the Democrats were victorious it would be pushed vigorously. The American public was already very uneasy concerning British designs in Texas, and the surest way to effect the defeat of Clay, and thereby ensure annexation would be for England to interfere. This argument convinced Aberdeen, and he let the French government know at once that England thought it best to defer action for the time.

On March 29, 1845, after the passage of the joint resolution, and when the agent of the United States was hourly expected at the Texan capital to offer annexation, Captain Charles Elliot, the British chargé, and Count de Saligny, the French representative, made a final effort to

THE PRESIDENT'S HOUSE AT HOUSTON IN 1859

prevent annexation. They induced President Jones to agree not to accept annexation for ninety days, while Elliot should go to Mexico and attempt to obtain a recognition of the independence of Texas on condition that Texas pledged itself to remain independent. Mexico finally accepted this proposal after considerable delay on May 19.

In the meantime Major A. J. Donelson had submitted to the Texan government the proposal for annexation on the terms of the joint resolution. He had received his instructions from Calhoun on March 3, and had been urged to hasten the negotiation, lest England exert influence on Texas to reject the proposal. The next day Polk was inaugurated and James Buchanan became secretary of state. On March 10 he wrote Donelson to try to get Texas to accept the proposal without amendment, so as to avoid delay. If the convention objected to surrendering the custom duties of the republic without the assumption of the public debt by the United States, he might suggest a resolution offering the public lands for sale to the federal government, and Buchanan expressed confidence that Congress would buy. But this should be presented as an independent proposal, and not as a condition of accepting annexation.

That Tyler and Polk were not over sanguine of the acceptance of the joint resolution by Texas is manifest from this anxiety, and from the arguments with which Donelson urged the proposal. In his letter to the Texan secretary of state, Ebenezer Allen, on March 31, 1845, he said:

"The undersigned doubts not that there are objections to the terms proposed, which under ordinary circumstances ought to be obviated before a basis which admits them is adopted. But the circumstances are not ordinary, and the objections when weighed in the scale of importance with the magnitude of the interests involved in the success of the measure, become secondary in their character, and may be postponed until the natural course of events removes them. If annexation should now be lost, it may never be recovered. A patriotic and intelligent person, in the pursuit of a measure of general utility, if they commit a partial mistake, or inflict temporary injuries were never known to fail in making the proper reparation. If they have in this instance made proposals of union to Texas on terms which deprive her of means that should be exclusively hers to enable her to pay the debt contracted in the war for her independence, it has been accidental; and no assurance from the undersigned can be needed to give value to the anticipation that such an error will be corrected whenever it is communicated to the government of the United States.

"It is objected that Texas, in surrendering her revenue from customs, parts with the ability to put into efficient organization her state government. This objection must result from an undue examination of the expenditures which the United States, on the other hand, will make in the many improvements necessary on the seacoast of Texas, to protect and facilitate her commerce, in the removal of obstructions in her numerous bays and rivers, and in the military organizations necessary to guard her extensive frontier against the inroads of a foreign enemy. . . . When expenditures for these and many other internal objects are drawn from the Treasury of the Union, and not from that of Texas, it will be seen that the remaining means for the support of the State

government will not only be as great as they now are, but rapidly increased by the influx of population and the growing capacity resulting from the superabundance of their rich productions.

"So also, on the part of the U. S., it was objected that the cession of the unappropriated lands ought to have been made by Texas for a fair consideration to enable the Federal government to extend her Indian policy over the various tribes within her limits. The right to extinguish the Indian title to lands seems almost a necessary consequence of the obligation to regulate the trade and intercourse with them, and to keep them at peace with each other and with us; and the absence of any provision to this effect in the terms proposed constituted a serious obstacle in the minds of many sincerely friendly to the measure. Yet so strong was the desire to put the question beyond the possibility of defeat and to leave with Texas the means of discharging her national debt, that they nevertheless recorded their votes in its favor.

"But reference is made to such objections, not to ascertain their justness or unjustness on this occasion, but to remark, on the part of the U. S., that much was conceded to obtain the passage of the resolution. And it was also believed that a like spirit would induce Texas to overlook minor considerations, relying on that high sense of honor and magnanimity which governs both the people and the representatives of the U. S., to secure to her hereafter, all that she can reasonably desire, to place her on the most favorable footing with the other members of the Union."

Semi-officially these promises were scattered broadcast and considerably added to. In a letter to the *Galveston News*, Ashbel Smith, under date of January 25, 1876, said: "Major Donelson and other official agents sent to Texas by the Federal administration, were most lavish in their averments of what the Federal government would do for Texas, so soon as the consummation of annexation would enable them to act. . . . The promises were, among others, to clear out our rivers for navigation, to deepen the entrances of our harbors, to build lighthouses on our coasts for commerce, to erect military works, fortifications for the defense of the coast, to execute important works of internal improvement, and to do various and sundry other good things for Texas, which were beyond our means, or which they could and would do for us better than we of ourselves could. Under the fostering protection of the United States it was vehemently prophesied that capital would flow into Texas in fertilizing streams to develop and utilize our immense natural resources. Employment, wealth, prosperity would reign in the land. It would afford the administration at Washington the liveliest pleasure to do, in one word, all goodly things for us. . . ."

President Jones submitted the question to a convention at Austin on July 4, 1845, along with the Mexican proposal to recognize Texas on condition of its remaining independent. He had previously pointed out that Texas was at peace with the world, that its Indian tribes were tranquil, that the receipts had been sufficient to meet the expenditures of the government, that the finances were much improved, and congratulated "congress and the country upon a state of peace, happiness and prosperity never before experienced in Texas, and rarely if ever equaled by so young a nation." It was plainly his purpose to show, what was true, that Texas had passed the period of its greatest hardships and was

now quite able to take care of itself. The people, however, were anxious for union with the United States, and the convention accepted the terms of the joint resolution by an all but unanimous vote. A constitution was then adopted and submitted to Congress in December, 1845. This was approved on December 29, and February 16, 1846, President Jones yielded the executive office to Governor J. Pinckney Henderson.

As a rule the public men of Texas were opposed to annexation, desiring to link their fame with the rise of an independent nation. President Houston's attitude is somewhat uncertain. It has generally been thought that he assumed an indifferent air for the purpose of quickening the interest of the United States; but he repeatedly told Elliot, the British chargé, that he wished the country to remain independent, and Elliot and the British government believed him sincere. In any event his diplomacy was rather clever. The two most recent studies of the diplomatic history of the Republic,⁴ both based on extensive familiarity with

⁴ Adams, E. D., *British Interests and Activities in Texas, 1838-1846*. Baltimore, 1910. Smith, Justin H., *The Annexation of Texas*. New York.

the manuscript sources of the subject, agree in the opinion that Houston desired independence. The question is a puzzling one that can hardly be definitely settled.

Mexico had repeatedly declared that it would consider the annexation of Texas equivalent to an act of war, and upon the passage of the joint resolution it severed diplomatic relations with the United States. While annexation was not the sole cause of the Mexican war which followed, it was one of the most important causes.

CHAPTER XXV

THE TRANSITION FROM REPUBLIC TO STATE ¹

Annexation having been assented to by the convention, the immediate problem before it was the formation of a state constitution. This task was confronted by obstacles serious as well as unique. How go about it? The existing constitution provided for no such contingency. The calling of the convention could not be left to congress. Representation in that body had been apportioned in March, 1836, while Santa Anna was at the Alamo. His subsequent invasion and the consequent depopulation of the western counties resulted in very unequal representation in the early congresses of the Republic, the western counties enjoying more than their fair share. It had been impossible, however, to correct the inequalities, because the constitution forbade a reapportionment of the representatives until a census was taken, and this the western members successfully opposed. The removal of the government from Austin in 1842 increased the hostility of the West. "The congress of the Republic was so constituted," said President Jones, "that about one-third of the population had a majority in that body over the other two-thirds. This had always been a most exciting theme. . . . Soon after I made the call for the meeting of congress [to consider the terms of annexation] I was informed that some highly respectable and influential members of the majority had declared 'that they had the power in congress, and would keep it in the state government by so apportioning the convention as to perpetuate the old basis.' If this were so, I was well aware it would give rise to a most angry discussion, and perhaps procrastinate the action of congress for months. . . . The question of a basis of representation carried with it the question of the seat of government, a question which at one time came very near dissolving the government itself. The East, North and Middle were willing to let Austin remain the seat of government if the apportionment of representation could be made equal. To this, however, it was understood, or at least feared, the majority might not agree. In this situation I determined upon calling the convention myself. I fixed an equitable basis of representation, and the people throughout the country generally acquiesced in the measure."

Like the convention that formed the constitution of the Republic in 1836, the convention of 1845 met at a point on the frontier of Texas. About the only convenience Austin possessed was a newspaper printing office. Even the indispensable records of the government, except those

¹ This and the remaining chapters of this history are the work of Mr. E. W. Winkler, of the Texas State Library.—The Editor.

of the land office, were at Washington. There was no library. On the other hand, it may be seriously doubted whether at the present time a body of delegates could be selected who would represent an equal variety of legal knowledge and an equally extensive experience in the administration of laws as did those of the convention of 1845. Over half of the states of the Union had sons in this convention.

The terms of annexation laid down the broad conditions that the constitution must provide for a republican form of government, that it must be adopted by the people, and be acceptable to the congress of the United States. The people back home and the enemies of Texas in the United States congress were constantly kept in mind, and many doubtful matters were discarded to avoid opposition.

The bill of rights followed closely the declaration of rights of the constitution of 1836. However, several of the provisions of the latter were severely questioned: A provision that in prosecutions for libel "the truth may be given in evidence" was struck out, and the prohibition of imprisonment for debt was retained only after much debate, because it helped to put down the credit system.

The legislature was directed to provide for enumerations of the free inhabitants and of the qualified electors in 1846, 1848 and 1850. The number of representatives was to be apportioned in proportion to the number of free inhabitants—minimum number, forty-five; maximum, ninety. The number of senators was to be apportioned in proportion to the number of qualified electors—minimum number, nineteen; maximum, thirty-three. The convention fixed the number of representatives for the first legislature at sixty-six, and the number of senators at twenty. The per diem of members of the legislature was fixed at three dollars; the sessions were to be biennial and were not restricted as to length of duration. The first apportionment of the members of the legislature stirred the feelings of hostility between the West and East; a compromise was reached by letting each county have at least one representative. The separate basis for apportionment for representatives and senators caused much debate. The presence of a considerable Mexican population and of large numbers of newcomers who had immigrated at the invitation of the government, made it difficult to set forth the qualifications of electors. The delicate question in regard to the location of the seat of government was solved by designating Austin as such until 1850, when the question should be settled by a vote of the people. Ministers of the gospel were declared ineligible to the legislature.

The judicial powers were vested in a supreme court, district courts and such inferior courts as the legislature might create. The supreme court had appellate jurisdiction only and was constituted by three judges. The judges of the supreme and district courts were appointed by the governor for terms of six years. By an amendment adopted in 1850 the judges were made elective. The salaries of the judges of the supreme and district courts were fixed by the constitution for ten years at \$2,000 and \$1,750, respectively. At the expiration of the ten years the salaries were raised to \$3,000 and \$2,250. The attorney general was appointed by the governor, and the district attorneys were elected by the legislature. In 1850 these officers were made elective by the qualified voters. Sheriffs were eligible only four years out of every six. The

extension of trial by jury in causes of equity was debated at length; some regarded it as an innovation that threatened the independence of the judiciary; the establishment of courts of chancery was strongly urged. But the friends of the system of administering justice in the same court, according to the principles of both law and equity, or either, as the circumstances of the controversy might demand, won their point.

The governor was made the chief officer of the executive department. He was elected biennially and was not eligible for more than four years in any term of six years. His salary was fixed by the constitution for ten years at \$2,000; in 1855 it was increased to \$3,000. He possessed power to convene the legislature in extra session, and, under certain circumstances, could adjourn it, but he had no control over the subjects to be considered by the legislature other than the veto. He was forbidden to hold "any other office or commission, civil or military," while governor. Nevertheless, Governor Henderson led the Texan Volunteers to victory at Monterey. The lieutenant governor was elected in the same manner as the governor. The secretary of state was appointed by the governor. A treasurer and a comptroller of public accounts were to be elected biennially by the legislature. These two last named officers were made elective in 1850.

Besides framing the government, numerous other subjects demanded the attention of the convention. A body blow was dealt dueling by the adoption of the oath of office; it is retained by the present constitution. Never elsewhere, perhaps, has the desire for public office been seized upon with greater ingenuity to mitigate a social evil.

Following the course recently pursued by the Democrats in the United States, the creation of banks was prohibited. The legislature was forbidden to issue treasury warrants, treasury notes or paper of any kind intended to circulate as money. Individuals were prohibited from issuing bills, checks, promissory notes or other paper to circulate as money. The state debt was never to exceed \$100,000, except in case of war, invasion or insurrection.

Equal and uniform taxation of property in proportion to its value was provided for. Only by a majority of two-thirds of the legislature could property be exempted from taxation; however, the constitution exempted \$250 worth of household goods or other property for each family. An income tax and occupation taxes were authorized. With annexation, the principal source of revenue, the customs duties was surrendered to the United States. Direct taxes had never been popular in Texas. To relieve the annexation measure of the odium of causing direct taxes, the convention adopted the penurious salaries indicated in the foregoing paragraphs.

The measures adopted for the protection of the family deserve mention. Besides exempting from taxation \$250 worth of household goods, the homestead exemption, introduced by an act of the Republic in 1839, was embodied in the constitution. It was defined as 200 acres of land, or town or city lot or lots in value up to \$2,000. This homestead was exempted from forced sale, nor could the husband sell the same without the consent of the wife. These homestead exemptions were the most liberal in existence anywhere at that time. They have been widely copied and their beneficial effects have been generally recognized. "All

property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards . . . shall be her separate property." This recognition of the property rights of married women was far more liberal than that enjoyed in states where the common law prevailed, yet Texas did not go as far as did Louisiana's laws on the same subject.

The legislature was directed as early as practicable to establish free schools throughout the state and to furnish means for their support by taxation. All public lands heretofore granted, or to be hereafter granted, for public school purposes were not to be sold until the lapse of twenty years, but leased. Every new county was to receive a quantity of school land equal to that granted to counties then existing. One-tenth of the annual revenue of the state, derived from taxation, was set apart for a perpetual school fund.

Some of the most intricate problems coming before the convention related to land claims. Lengthy debates were indulged in upon the propriety of inquiring into forfeitures of lands under the laws of Coahuila and Texas, lands escheated under the laws of the republic, and lands forfeited by the failure of their owners to take part in the war for Texan independence. The constitution of 1836 had taken positive ground in repudiating some of these claims, and it was concluded simply to reaffirm the law as it stood before the convention assembled. A proposal to suspend all colonization contracts made by the president of the republic produced much angry discussion. It was contended that these contracts were illegal from the beginning, since the government had no right to grant lands for colonization purposes while there were outstanding large numbers of unlocated headright claims, donation warrants and land scrip, the holders of which had an implied right of first choice of location, but had been prevented from making such location by the unprotected condition of the frontier. It was feared that the inclusion of any provision on this subject might jeopardize the approval of the constitution by the United States congress, and a separate ordinance ordering the forfeiture of these contracts was submitted to a vote of the people at the same time that the constitution was voted upon.

The constitution is short and exhibits many successful efforts at self-restraint on the part of the convention. Contemporary estimates of the constitution declared it "the best and most conservative document which has been adopted by any of the southern states for ten years past;" another said of it: "It breathes throughout a spirit of honesty and patriotism, and . . . contains such essential principles of government as will tend to advance the immediate interests and prosperity of the state."

President Jones's friendliness toward annexation was in some quarters regarded with much suspicion. This and the important steps yet to be taken to complete annexation gave rise to a tentative project on the part of some members of the convention for abolishing the existing government and establishing in its place a provisional one to endure until annexation had been completed. On being apprised of these facts, President Jones, with a portion of his cabinet, repaired from Washington to Austin, for he feared that for the convention to attempt such a course would lead to anarchy and perhaps defeat annexation. Some

delegates honestly believed that the adoption of the state constitution would put an end to the republic; others argued in favor of the change because it would reduce expenses. Delegate Francis Moore, in an address, showed the inexpediency as well as the danger of such a course, and it was abandoned. That no inconvenience might result from the change from national to state government, ample provision was made for the succession of the latter to the enduring functions of the former. The president was directed to order an election to be held on the second Monday in October for the purpose of adopting or rejecting the constitution and for voting for or against annexation. The returns of this election were to be compared on the second Monday in November, and if it was favorable he was directed to proclaim that fact and to transmit copies of the constitution to the president of the United States. The constitution thus adopted was to go into effect from and after the organization of the state government. On the second Monday of November President Jones was directed also to order elections to be held on the third Monday in December for governor, lieutenant governor and members of the legislature. Immediately upon receipt of notice of the acceptance of the state constitution by the congress of the United States, he was directed to issue his proclamation convening "at an early day" the legislature. As soon as the legislature shall have organized it shall canvass the vote for governor, and after the inaugural of the governor the president shall turn over to him "all records, public money, documents, archives and public property of every description whatsoever, under control of the executive branch of the government."

Candidates for the several offices to be filled did not await the president's proclamation to make their announcements. J. P. Henderson, of San Augustine county, had consented to become a candidate for governor even before the convention adjourned; later he was formally nominated by mass meeting in east Texas. No one was put forward in that section for lieutenant governor, it being considered expedient to leave to west Texas the naming of such a candidate. A. C. Horton, of Matagorda county, soon entered the field. After these names had been before the public for some time, Dr. James B. Miller, of Washington county, and N. H. Darnell, of San Augustine county, were put forward as candidates by a meeting held at Brenham. Very little interest was shown in the campaign. The newspapers urged that since the Democrats had secured the admission of Texas to the Union, the members sent to the legislature should be particularly cautious in their election of United States senators, in order that only men might be chosen whose records as Democrats, both in and out of the Union, were unassailable, and thus assure to Texas a due proportion of influence in the national councils.

President Polk signed the joint resolution admitting Texas to the Union on December 29, 1845. On January 12, President Jones convened the legislature to assemble on February 16th. The retirement of President Jones was fittingly celebrated as an event unique in history. Although not permitted to complete the full term for which he had been elected, he had the pleasure of presenting a picture of the favorable conditions of Texas such as none of his predecessors had ever been able to make: "I am happy to congratulate you, gentlemen, upon the uni-

versally prosperous condition of our country at the present time. Our foreign relations have been closed in a manner satisfactory, I believe, to all the governments with which we have had intercourse. The frontier is quiet and secure, and the husbandman sows and reaps his harvest in peace. Industry and enterprise have received new guarantees and a new impulse; a market is found at home for nearly everything our citizens have to dispose of, and a large and very desirable immigration to the country is now taking place. The expenses of the government since I have been in office have been paid in an undepreciated currency, a very considerable amount of debt incurred by previous administrations has been paid off, and a surplus of available means sufficient to defray the expenses of the government, economically administered, for the next two years at least, is left at the disposal of the state."

With this pleasing picture of the present, with fancy's portrayal of the future, and with the glamour of an exciting past, in which a nation's independence had been won, haunting their memory, and the pride and satisfaction welling up in their bosoms that they had helped to create it all, is it to be wondered at that tears trickled down the furrowed cheeks of many of his silent auditors when the president hauled down the emblem of the Lone Star and declared "the Republic of Texas is no more?" And is it strange that when the times became troubled, some remembered the days of the republic and sought to return to them?

Governor Henderson approached the occasion from a different viewpoint. To him annexation signified the termination of ten years of privation and suffering. "If there has heretofore existed any cause for dispute or difference between the different sections of our country in regard to the policy most proper to be pursued," he said in his inaugural address, "surely now there is no cause for disunion, since we have the protecting arm of the United States thrown around us. . . . Let us then, I beseech you, commence our existence as a state of this great Union in the spirit of harmony and forbearance, and act our parts throughout as becomes the agents of a free, enlightened, Christian people." The governor appointed the judges of the supreme and district courts, a secretary of state, and attorney general and an adjutant general. The legislature elected Sam Houston and Thomas J. Rusk United States senators, a comptroller, a treasurer and the district attorneys, and provided by law for the election of two congressmen. Laws were passed organizing the various executive departments and defining the duties of their officers; other laws established and organized the several grades of courts and defined the administration of justice. Thirty-one new counties were created and there was much additional legislation devoted to the fixing of county boundaries, locating county seats, apportioning debts of counties, etc. A provision of the constitution of 1836 had been seized upon by the representatives of the depopulated western counties to prevent any alteration of the representative districts, and in this way they had prevented the creation of new counties. The removal of this obstacle by the state constitution resulted in this rush of new counties; the delay, no doubt, left its impress upon history in the names selected for them. Laws were also enacted regulating taxation, elections, the taking of the census and making appropriations for the support of the state government.

CHAPTER XXVI

TEXAS IN THE MEXICAN WAR

While the war with Mexico, following annexation, was primarily a contest between the United States and that country, the part that Texas played in it was notable. The results of the war to Texas were of very great importance. In his work entitled "Westward Extension," Dr. Garrison summarizes the causes of the war under four heads: (1) "Claims of the United States citizens on the government of Mexico; (2) assistance given the Texans by the people of the United States; (3) violation of Mexican territory by United States troops, and (4) the annexation of Texas." In 1843 the Mexican government had notified the government of the United States that it would declare war as soon as it learned of the annexation of Texas. The threat was repeated on several occasions afterwards, but the United States regarded Texas as an independent nation and in no wise responsible to Mexico for its acts. The joint resolution offering annexation to Texas was approved by President Tyler on March 1, 1845, and on March 6th Almonte, the Mexican minister at Washington, demanded his passports.

In view of these hostile demonstrations and the fear of Indian hostilities, Texas requested the protection of the United States while annexation was being concluded. General Zachary Taylor was ordered to advance into Texas. His force, however, was so small that he informed President Jones that he could give no protection against the Indians. General Taylor established his camp on the Nueces river, near Corpus Christi, and remained at that point from August, 1845, until March 11, 1846, when he moved to the Rio Grande opposite Matamoras. On April 25th a party of his troops was ambushed and captured on the Texas side of the river by a large force of Mexicans. This act marked the beginning of the war. The next day General Taylor made a requisition on the governor of Texas for four regiments of volunteers. Captain Samuel H. Walker's Texas Rangers, encamped midway between Point Isabel and Matamoras, were surprised by a party of rancheros on the 28th, and ten men lost. Captain Walker was absent at the time; he is spoken of in General Taylor's dispatches as "a tried frontier soldier." Before any of the Texan volunteers could be brought into the field, the engagements at Palo Alto (May 8) and Resaca de la Palma (May 9) occurred—both were fought on Texas soil and resulted in victories for the Americans. The rangers under Captain Walker received commendation.

The First Texan Volunteers joined General Taylor at Matamoras. In a dispatch, dated Matamoras, July 31st, he said: "The Texas regi-

ment of foot under Colonel A. S. Johnston, formerly of the army, is an excellent corps, inured to frontier service. All the Texan troops are anxious to go forward; they are hardy and can subsist on little, and I trust I shall be allowed to retain them." By the time General Taylor reached Camargo, the three months term of enlistment of the Louisiana and Texas Volunteers had expired. "But owing to the great scarcity of regular cavalry," wrote General Taylor, "I felt compelled to retain the two mounted regiments. . . . remustering them at the end of their term for another three months. Their term expires about this time [August 31st]. . . . All individuals claiming discharge are, of course, at liberty to quit service, but nearly all the men seem willing to remain for another term." The regiment of infantry, with the exception of three or four companies, preferred to go home. Among those who advanced were the regiments of Colonels George T. Wood and John C. Hays, commanded by Major General Henderson. The Texans exhibited unbounded courage in the battle of Monterey, and had not only the satisfaction of defeating the Mexicans on Mexican soil and taking one of their important cities, but also of having their commander appointed one of the commissioners to arrange the articles of capitulation. "They had been engaged for many years in a fierce border warfare with the Mexicans, marked with mutual and extreme exasperation, as is usual in such contests. They remembered the wrongs which they had suffered, the deadly strife in which their friends had fallen, and the terrible vengeance which had sometimes overtaken captive Texans." How the tables had been turned!

The terms of capitulation provided for an armistice of eight weeks. There was some prospect of permanent peace. Reinforcements under General Wool were close at hand. Under these circumstances the Texans, with Taylor, expressed a desire to return home, and they were mustered out October 2, 1846. Order No. 124, directing the discharge of these troops, concluded with the following words of appreciation: "The commanding general takes this occasion to express his satisfaction with the efficient service rendered by the Texas Volunteers during the campaign, and particularly in the operations around Monterey; and he would especially acknowledge his obligations to General Henderson, Generals Lamar and Burleson and Colonels Hays and Wood for the valuable assistance they have rendered. He wishes all the Texas Volunteers a happy return to their families and homes."

During November and December, 1846, a large portion of Taylor's force was ordered to the mouth of the Rio Grande to join General Scott. In February, 1847, Santa Anna advanced against Taylor with a large force, and the position of the latter became critical, until the achievement of the brilliant victory at Buena Vista. There were but few Texans with Taylor in this battle; these he complimented in his dispatch of June 8th: "Major McCulloch joined me with some twenty picked men a very short time before the battle of Buena Vista, and when his own valuable services as a partizan and spy were greatly needed. His men, however, were unwilling to engage even for twelve months, and, after much hesitation, I determined to accept them for the period of six. . . . The services rendered by Major McCulloch and his men, particularly in reconnoitering the enemy's camp at Encarnacion and

advising us certainly of his presence there, were of the highest importance." A company under Captain Conner were the only other Texans at Buena Vista; of the fifty-seven men of this company engaged, fourteen were killed, two wounded and seven missing.

Soon after the battle at Buena Vista, Taylor sent orders to Texas for a battalion of cavalry. It was organized with Major Chevallie in command, but he resigned to join Hays under General Scott and was succeeded by Walter P. Lane. This battalion continued in the service until the United States forces evacuated northern Mexico, and was accorded the honor of bringing up the rear when the troops were withdrawn. On one of his scouts toward San Luis Potosi, Major Lane passed the hacienda of Salado, and while there collected the bones of the Mier prisoners who had drawn the black beans and been shot at that place in 1843. General Wool granted permission to Captain Dusenberry and a private to escort those relics to Texas. They were taken to La Grange, where several of the victims had relatives. The people gathered and laid them beneath the sod of their adopted country beside their comrades who fell with Dawson.

Several extracts from General Taylor's despatches and orders have been made to show the high esteem in which he held the Texas Volunteers. There were occasions, however, when the general used very harsh language concerning them. One who reads the "Personal Recollections of Walter P. Lane" will learn the circumstances that provoked these criticisms, and much to extenuate the conduct of the Texans. No doubt there was truth in the remark attributed to General Taylor: "On the day of battle I am glad to have Texas soldiers with me, for they are brave and gallant, but I never want to see them before or afterwards, for they are too hard to control."

In July, 1847, Hays mustered into service his third regiment of Texas Rangers at San Antonio. His orders were to proceed to Vera Cruz "for the purpose of dispersing the guerrillas which infest the line between that place and the interior of Mexico." The Texans had demonstrated their ability to cope with that class of bandits in protecting General Taylor's line between Monterey and his base of supplies at Camargo. The regiment was attached to General Joseph Lane's command and rendered good service. The Texans became the terror of the Mexican guerrillas, and received praise from General Scott for their daring achievements. Lieutenant Colonel Samuel H. Walker was killed near Huamantla while engaged in discharging a hazardous duty; he was widely known as a brave and gallant officer.

The readiness with which the Texans entered into the war becomes apparent from the following facts: The calls for volunteers received a prompt response, considering the wide expanse from which they had to be collected and the great distance and the character of the country intervening between the settled portion of Texas and the seat of war. Of all the states participating, Texas furnished the highest proportion of troops to total population. She furnished more men to aid the United States in this war than she was herself able to bring into the field to achieve her independence ten years before. The total number of enlistments from Texas, according to official reports, were as follows: Volunteers, 8,018; regulars, 222; total, 8,240.

CHAPTER XXVII

THE TEXAS-NEW MEXICO BOUNDARY

The republic of Texas, in 1836, had designated the Rio Grande from its mouth to its source as its western boundary. The Texans, in 1845, did not doubt their ability to maintain their claim to this boundary should Mexico care to contest it. Moreover, Mexico at that time expressed a readiness to concede this boundary if Texas would decline annexation. The state of Texas inherited a large debt from the republic. The only resource that it had with which to pay this debt was the public domain. This was guarded with jealous care from encroachment. Even before news of the outbreak of the war with Mexico reached Austin, the Texan legislature had adopted a joint resolution declaring "that the exclusive right to the jurisdiction over the soil included in the limits of the late republic of Texas was acquired by the valor of the people thereof, and . . . is now vested in and belongs to the state."

Confidential instructions from the secretary of war to General Kearney, dated June 3, 1846, informed him that "it has been decided by the president to be of the greatest importance in the pending war with Mexico to take the earliest possession of Upper California. An expedition with that end in view is hereby ordered, and you are designated to command it." The occupation of Santa Fé became part of the initial steps of this plan, since the most practicable route to California lay through that region. On August 22, 1846, General Kearney reported from Santa Fé "that on the 18th instant, without firing a gun or spilling a drop of blood, I took possession of this city. . . . and have this day issued a proclamation claiming the whole department [of New Mexico], with its original boundaries, for the United States." Soon thereafter General Kearney proclaimed an organic law for the Territory of New Mexico. His whole proceeding was in marked contrast to that of General Taylor during May, 1846, on the lower Rio Grande, where he was compelled to fight several battles to expel the Mexicans from within the limits claimed by Texas.

At the time these events occurred in New Mexico the governor of Texas, at the head of a force of Texans larger than the entire command under General Kearney, contributed effectively to the victory gained at Monterey. As soon as he learned of the events in New Mexico, Governor Henderson addressed a letter to the secretary of state of the United States, protesting against the course of General Kearney in violating the rights of Texas, and asserting the exclusive and unquestionable right of Texas both to the soil and to the jurisdiction in that region. He received assurances that the rights of Texas would be respected and that the provisional government was temporary in its character.

By the treaty of Guadalupe Hidalgo, concluded February 2, 1848, Mexico ceded to the United States all claim to territory east of the Rio Grande from its mouth to the southern boundary of New Mexico, and thence westward and northward to the first branch of the Gila river it might cross, and thence with the course of the Gila to the Colorado, etc. Thus all the territory claimed by Texas and more was relinquished by Mexico. Thenceforth the boundary of Texas was no longer open to diplomatic negotiation, but it also passed beyond the control of the president. Appended to the treaty with Mexico was a map on which the western boundary of Texas was traced as claimed by that state.

The acquisition of Mexican territory had been anticipated by congress before the conclusion of peace. The disposition to be made of it furnished the occasion for the impassioned debates on the Wilmot Proviso, which paved the way for the angry contest over the Texas-New Mexico boundary. The contest became important because it assumed the proportions of a national problem. Texas had been admitted as a slave state; however, that portion of its territory lying north of $36^{\circ} 30'$, when erected into a separate state, was to become a free state. As it was not probable that Texas would create a new state out of the territory north of $36^{\circ} 30'$ for many years, it was possible, if the limits claimed by the state were not changed, to carry slavery as far north as the forty-second parallel of north latitude, thus repealing so far as Texas was concerned the Missouri Compromise line. The very fact that restrictions were placed around the admission of Texan territory north of $36^{\circ} 30'$ was an admission of Texan claims in that region. But the anti-slavery forces in congress availed themselves of the issues growing out of the Mexican cession not only to forbid the extension of slavery into the territory thus acquired, but also to cut down the area of Texas as much as possible, thereby converting to free soil a portion of the area acquired by annexation. It was this activity of the anti-slavery men to keep Texas out of New Mexico that lent momentary importance to the feeble effort made early in 1850, by a portion of the inhabitants of Cameron county, to procure the organization of the region between the Nueces and the Rio Grande into the Rio Grande territory. The efforts of the anti-slavery forces brought to the support of Texas the slave states.

The second legislature of Texas created the county of Santa Fé, designated it as the eleventh judicial district, and Judge Spruce M. Baird was sent there to discharge his official duties. He met with opposition from the officers of the United States, who claimed exclusive authority in that region. Governor Wood addressed protests to President Polk and to General Taylor, but received no reply. As the spokesman of a sovereign state, the governor became very much incensed at their treatment of his communications. In his message to the third legislature, November 6, 1849, he said: "The bare denial of justice involved in an attempt to wrest from us this portion of our state is reproach enough; to succeed in that attempt would be a reproach still deeper; and for Texas passively to submit to such despoilment would be the deepest reproach of all. . . . I would therefore recommend that ample power be conferred on the executive of the state, and ample means be placed at his disposal, and that it be expressly required of him to raise the proper issue and contest it, not by demonstrating in argu-

ment the justness of our claim, nor by reference to our statutes, but with the whole power and resources of the state." The *Telegraph* (Houston), the oldest and perhaps most extensively read newspaper in Texas, in commenting on this fiery message, said: "Texas must assert her claim to her whole limits, as defined by her statutes previous to annexation, or she can no longer be entitled to the rank of a sovereign state. If her domain is to be severed and formed into separate states without her consent, she sinks into the rank of a mere territory. If such was the desire of the general government previous to annexation, the fact should have been made public, and the people of Texas in voting for 'annexation and its contingencies' would have rejected a territorial government even with a union to the mother country with utter contempt. . . . The title of Texas to Santa Fé was as valid as its title to Point Isabel, Laredo and the intermediate towns on the Rio Grande. . . . Texas will maintain her rights. . . . If the general government will place itself in the position that Mexico occupied before annexation, Texas will be forced by circumstances beyond her control to resume her old position. She was then at war with Mexico, and if the general government assumes the position of Mexico, Texas will be at war with her. The result is inevitable. . . . We hope that the legislature will promptly comply with the recommendations of Governor Wood, and we are confident that the people of Texas will to a man sustain them with the whole resources of the state. The banner of the Lone Star shall again be unfurled—not for offence, but for defense, and those who were foremost to cry aloud for annexation will be foremost to sever the country from the Union that embraces but to crush and destroy."

A change of executives occurred on December 21st. The third governor of the state, P. H. Bell, also owed his elevation largely to his qualities as a soldier. But Governor Bell did not court danger. He was equally emphatic that the rights of Texas must be maintained, and he was not averse to an early settlement by force if there was no other way of adjusting the difficulty. But meanwhile he asked that authority be conferred on the executive to negotiate with the general government for the sale and transfer of the right of sovereignty to the United States of all that portion of Texas north of 36° 30'. The legislature instructed the governor to appoint a commissioner to organize the counties of Presidio, El Paso, Worth and Santa Fé. It also passed a resolution asserting the claim of Texas to her western boundary and that "Texas will maintain the integrity of her territory." The Texan commissioner, R. S. Neighbors, visited Santa Fé in April, 1850, but was opposed in his efforts by the officers of the United States at every point. In fact, the military commander issued his proclamation for a convention to organize a state government while the Texan commissioner was at Santa Fé. The commissioner made his report to the governor on June 4th, and the latter immediately laid it before the public. It caused great indignation, but, since the legislature was not in session and had made no provision for aggressive measures before adjournment, no immediate steps of any sort could be taken. The governor again protested to the president, but, receiving no reply within a reasonable time, he convened the legislature to meet about the middle of August. In his message

he recommended the adoption of "such measures as are necessary for the occupation of Santa Fé with a force ample to quell the rebellious spirit now prevailing there, and to enable us to firmly establish the jurisdiction of the state over it." Governor Bell also referred to the measures pending in congress for the establishment of a government for New Mexico, with a boundary extending south to the thirty-second parallel and east to the 100th meridian, and that it was proposed to pay a certain sum to Texas for her claims to the territory so unceremoniously lopped off. "However willing Texas may have been and may still be to dispose of a portion of her northwestern territory, upon fair, equitable and honorable terms," he said, "I cannot believe that any party respectable for its numbers or intelligence will be found amongst us who would be willing to accept a proposition so degrading to the character and dignity of the state."

A joint committee of the legislature recommended maintaining the rights of the state and the enforcement of its jurisdiction over Santa Fé territory, the use of the entire resources of the state for this purpose and the raising and equipping of at least three thousand rangers, and marching without delay to the scene of the insurrection. These recommendations were accompanied by appropriate bills. "In the whole course of our long residence in Texas," said the editor of the *State Gazette* (Austin), "we have never seen among the people so much unanimity and enthusiasm as prevails at this time . . . upon the subject of the enforcement of our jurisdiction over Santa Fé." However, at the time matters were thus approaching a climax at home, the forces of compromise in congress, which had floundered for months through interminable debate, began to make definite progress. On July 9, General Taylor died. His policy was regarded by Texans as inimical to their interests; his criticism of Texans had engendered resentment. President Fillmore promptly replied to Governor Bell's protest, and sent a message to congress urging immediate settlement of the boundary question. Daniel Webster, the secretary of state, in conveying the president's message to Governor Bell, argued in a masterful way for moderation. Both he and the president asserted that the president was powerless to settle the dispute—that the matter rested with congress. The senate without delay passed the Pearce bill. Both Houston and Rusk voted for this bill. Its provisions began to occupy public attention. Preparations for resistance by the legislature ceased and it adjourned.

As soon as the governor received official notice of the passage of the Pearce bill, he ordered an election at which the people were to express their approval or disapproval of the propositions contained in this bill. Another extra session of the legislature was called, which met November 18th. "I have much pleasure," said Governor Bell, "in congratulating you on the improved auspices under which we meet for the tranquility and peace of the state, and the amicable adjustment of all matters of difference which were likely to arise with the federal government in respect to our territorial limits." The governor was enabled to adopt this positive tone of assurance because a majority of the voters had been favorable to the acceptance of the terms submitted by congress. The legislature lost no time in ratifying their decision. Texas gave up her claims to territory lying north and west of the present boundary of the

Panhandle, and received in exchange therefor \$10,000,000 in United States bonds, bearing five per cent interest and payable after fourteen years. The far-reaching benefits of this act will appear in the succeeding chapters on the public debt, prosperity and frontier troubles.

As defined by statute the Texas-New Mexico boundary begins where the parallel of $36^{\circ} 30'$ north latitude is intersected by the 103d meridian of west longitude, "thence her boundary shall run due south to the 32d degree of north latitude, thence on said parallel of 32 degrees of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico." A survey of this line was provided for by an act of congress passed in 1858, and actual work began the following year under the supervision of John H. Clark, commissioner of the United States. Starting on the Rio Grande, Clark marked the 32d parallel a distance of two hundred and eleven miles to the point where his measurements told him it crossed the 103d meridian. There he established a corner. He surveyed north from this corner a distance of twenty-four miles, but was prevented from proceeding farther by want of water. Therefore, he began at the northwest corner of Texas and ran south one hundred and fifty-six miles along the 103d meridian. An interval of one hundred and thirty miles between the nearest terminal points of the lines marked by Clark remained unsurveyed. The war between the states caused final action on the survey to be delayed until 1891, but during that year both the United States and Texas accepted the same.

Since Clark had not established the principal points of his survey by astronomical observation, doubt had always existed whether or not he had determined the true 103d meridian. The federal general land office in 1903 caused the 103d meridian to be established by astronomical observation. The result showed that the Clark line intersected the parallel of $36^{\circ} 30'$ a fraction over two miles west of the true meridian and that it intersected the 32d parallel a little over three and three-fourths miles west of the 103d meridian.

This, then, was the situation in 1910; the act of 1850 defined the boundary as the 103d meridian; the acts of the United States and the state of Texas in 1891 accepted the Clark survey as the boundary; the two were by no means identical. The people of New Mexico naturally objected to Clark's survey because it encroached upon their territory, and in the constitution adopted for the state of New Mexico in January, 1911, the 103d meridian was called for as the eastern boundary of the state from the 37th to the 32d parallels. The constitution was submitted to congress for approval on February 10th. To determine the matter finally congress passed a joint resolution reaffirming the boundary line, because the United States and the state of Texas had patented lands based upon the Clark lines, the provision of the constitution of New Mexico in conflict with this resolution was declared to be of no force, and provision was made for remarking the Clark lines and completing the survey by running a straight line between the nearest terminal points.

At present there is pending in the United States supreme court a suit brought by New Mexico against Texas for the recovery of lands located along the east bank of the Rio Grande between El Paso and the

32d parallel. The act of 1850 designated the channel of the river as the boundary. The constitution of New Mexico calls for the channel of the river as it existed in 1850. The exact location of the channel of the river in 1850 is in controversy, but believing that it was east of its present location, New Mexico determined to have the matter judicially ascertained.

CHAPTER XXVIII

THE PUBLIC DEBT

At the time of annexation Texas owed between eight and ten millions of dollars. The interest on this debt had never been paid, hence it was growing rapidly. The only resource Texas had with which to pay the debt was the public lands, which, by the terms of annexation, were dedicated to this purpose.

At the session of the first legislature a committee was appointed to consider ways and means for paying the debt. In its report, dated March 1, 1846, it said: "Your committee are confident the people of Texas feel keenly the weight of this obligation, and are anxious to meet it. . . . Unfortunately, however, for Texas . . . her population has not increased with the rapidity which might have been anticipated from the salubrity of her climate and the fertility of her soil. Her resources and ability for raising revenue from direct taxation cannot, for many years to come, exceed the urgent and indispensable wants of her domestic administration. Nor can it be denied that annexation, however important and advantageous to the country in other respects, has, by destroying the revenue arising from the customs, taken from us a growing source of revenue, which might in a short time have afforded efficient means of providing for the public creditors. However strong, therefore, may be the desire of the country to provide for its creditors, it has no ability of doing so except through the means of public lands." Sale of the public lands to the United States was recommended, but the latter probably did not care to buy.

The committee commented on the character of the debt; they said: "The fact that the debt was contracted during a revolutionary struggle constitutes no reason . . . why we should not pay it in honesty and good faith. They, nevertheless, think that she should be bound to return to the public creditors only what, according to just average, they paid her for her securities, with the rate of interest stipulated in the bond or other evidence of debt." Here is a suggestion for reducing or scaling the debt which evoked protests from the creditors, and of which we shall hear more in tracing this subject:

An act was approved March 20, 1848, "to provide for ascertaining the debt of the late republic of Texas." The holders of claims were required to lay them before the comptroller and auditor, and the latter were directed to classify them and reduce them to the actual par value which the republic realized. By another act it was provided that the creditors might exchange their claims, as determined by the auditorial board, for land certificates at the rate of fifty cents an acre. Land certificates, however, were at that date selling for much less than fifty

cents per acre, consequently very few creditors settled their claims on this basis.

In the meantime the subject of the Texas-New Mexico boundary had come to the front in congress, and through the skillful management of the Texas creditors the settlement of the public debt became inseparably with it. Texas had twice pledged herself to care for her public debt. At this time she was not trying to evade her obligations, but she insisted on having her own way in settling her own business. However, for a portion of the Texan liabilities the income from import duties had been specifically pledged. Through annexation these duties inured to the exclusive benefit of the United States. Certain members of congress argued that a transfer of the security carried with it responsibility for the debt. This view was acquiesced in by a sufficient number in congress to insert in the boundary act a provision that five millions of the bonds, issued to Texas in consideration of the loss of land suffered in adjusting the boundary, should be retained in the United States treasury in order that the United States might be enabled to take receipts from the creditors whose claims were secured by a pledge of the customs duties and thus protect herself for the future. Of course, the bonds were Texan property, and could be paid out only on orders from the Texan government. The state agreed to this arrangement, although the guardianship assumed by the United States was extremely distasteful to many.

The fact that Texas was thus quite unexpectedly placed in possession of means apparently ample to satisfy all her creditors caused great activity among the latter. The protests against the scaling of their claims became voluminous. On the other hand, Texas experienced all the sensations resulting from suddenly acquired wealth, and, no doubt, many occupied much time in planning ways of spending it in the upbuilding and enrichment of the state.

Five millions in United States bonds were turned over to Texas early in 1852. Promptly an act was passed, January 31st, "providing for the liquidation and payment of the debt of the late republic of Texas." This act appropriated two millions of dollars of the bonds in the state treasury for the payment of that portion of the public debt, as reported by the auditorial board, and accrued interest thereon, which was not secured by the revenues from import duties. The act further appropriated the five millions of dollars in bonds retained in the United States treasury to pay that portion of the public debt, as reported by the auditorial board, and accrued interest thereon, which was secured by the revenues from import duties. The payment of these last mentioned claims, however, was to be suspended until such time as the United States shall have turned over to Texas the whole of the five millions of dollars in bonds retained, in exchange for releases from the creditors, or portions of said bonds equal to the sums for which the state may present the required releases from any portion of the creditors. Under this act the domestic debt was promptly paid, but for reasons stated in the next paragraph the revenue debt remained unpaid for more than four years.

The secretary of the treasury of the United States interpreted the boundary act as specifying that *all* the creditors of Texas, whose claims were secured by the revenue, must file their releases before *any* portion

of the bonds retained could be issued to Texas. In addition to this, the secretary of the treasury construed the laws of Texas relating to the public debt in such a way as to extend the security of customs duties to a much larger quantity of liabilities than the officers of Texas had ever considered as coming within such guarantee. These constructions of the secretary of the treasury made it impossible to meet the conditions prescribed in the boundary act.

There were over 1,600 creditors from whom releases were to be obtained. Some filed their releases promptly, but others refused to do so because Texas had scaled their claims. Their action delayed the payment of all. Since it was the act of the United States that kept the creditors from receiving their money, they petitioned congress to amend the conditions of the boundary act so as to permit the payment of those claims for which the corresponding releases had been signed. However, those members of congress who emphasized the responsibility of the United States for the payment of the revenue debt of Texas opposed such an amendment because it implied acquiescence by the United States in the scaling that Texas had done. But, in view of the construction placed upon the laws of Texas relating to the public debt by the secretary of the treasury, the five millions of dollars in bonds retained in the treasury were by no means sufficient to pay the secured claims at their face value. Having complicated matters in this manner, the subject was permitted to drag through several sessions of congress to the great injury of those creditors who were willing to settle for their claims. The revenue debt was finally disposed of by an act approved February 28, 1855. This act appropriated in lieu of the five millions in bonds, retained in the United States treasury, the sum of \$7,750,000 cash, to be apportioned among the creditors pro rata. Before this could go into effect the legislature of Texas was required to give its assent to the act, and to "abandon all claims and demands against the United States, growing out of Indian depredations or otherwise." The five millions in bonds, principal and interest, were estimated to amount to \$6,500,000. The additional \$1,250,000 was allowed to set off a claim of \$3,800,000 preferred by Texas against the United States for depredations committed by United States Indians in Texas since 1836.

Governor Pease submitted the act of congress to the voters of Texas for approval or rejection, as Governor Bell had done in the case of the boundary act. "There was powerful opposition to its acceptance, led by some of the ablest men in the state."¹ However, only 25,427 of the 45,000 who participated in the election expressed themselves in regard to this act; 13,818 voted to reject. The governor did not consider this vote a fair test of public opinion, and, therefore, urged the legislature to give its assent to the same. "The friends and opponents of this measure were so equally divided that the result remained long in doubt,"² but it was finally carried, the votes in both the house and the senate being very close. The act received the governor's approval February 1, 1856. The principal objection to the act seems to have been the condition requiring that the creditors of Texas be paid at the United

¹ Brown, History of Texas II, 367.

² *Ibid.*

States treasury. The scaling that Texas had done, while not adopted *in toto*, was followed in principle, for the amount appropriated, \$7,750,000, had to satisfy claims aggregating the sum of \$10,078,703.21. The pro rata was nearly 76 9/10 cents on the dollar. The comptroller of Texas was sent to Washington to inspect and verify all claims presented for payment in order to protect the state against frauds.

In the manner described above Texas discharged her debt without resort to taxation. After paying the debt, a considerable surplus remained in the state treasury. That the national debt was paid off within twenty years after declaration of independence is in itself a remarkable piece of good fortune and wise management.

CHAPTER XXIX

PROSPERITY AND PROGRESS, 1846-1860

The war with Mexico marked the beginning of a period of rapid growth in the population and wealth of Texas, which was arrested only by the paralyzing effects of the war between the states. The Mexican war, the boundary question and the public debt had furnished excellent material for giving publicity to Texas throughout the Union. Fertile lands, genial climate, bountiful harvests, pre-emption titles for the landless, cheap lands for the planter, low taxes, protected homestead, opportunity for adventure and the absence of a large slave population were some of the things that attracted hardy, enterprising settlers. During the decade from 1850 to 1860 Texas was exceeded in growth of population by four other states only—California, Oregon, Iowa, and Minnesota.

POPULATION OF TEXAS

Year	White	Slave	Free colored	Total
1846*.....	102,961	38,753	295	142,009
1850.....	154,034	58,161	397	212,592
1860.....	421,411	180,682	339	602,432

* State census.

Texas ranked twenty-fifth in population among the thirty-one states in 1850, and twenty-third among the thirty-three states in 1860.

The rapid growth in population signified the occupation of large areas of the wild lands of the state. The rapidity with which the line of the frontier was pushed back is shown in a striking manner by lists of the new counties created in successive years. Omitting the names of the counties created in 1846, whose creation was delayed by obstacles afforded by the constitution of the republic, the following constitute the annual or biennial tiers added from 1848 to 1858:

1848. Caldwell, Cameron, Cooke, Gillespie, Hays, Kaufman, Medina, Santa Fé, Starr, Van Zandt, Webb, and Williamson—twelve counties.

1849. Ellis and Tarrant—two counties.

1850. Bell, El Paso, Falls, Freestone, Kinney, McLennan, Presidio, Trinity, Uvalde, Wood and Worth—eleven counties.

1852. Burnet, Hidalgo and Orange—three counties.

1853. Hill and Madison—two counties.

1854. Bosque, Coryell, Johnson and Karnes—four counties.

1855. Parker—one county.

1856. Atascosa, Bandera, Brown, Comanche, Erath, Jack, Kerr, Lampasas, Live Oak, Llano, Maverick, McCulloch, Palo Pinto, San Saba, Wise and Young—sixteen counties.

1857. Bee, Clay and Montague—three counties.

1858. Archer, Baylor, Blanco, Buchanan, Callahan, Chambers, Coleman, Concho, Dawson, Dimmit, Duval, Eastland, Edwards, Encinal, Frio, Hamilton, Hardeman, Hardin, Haskell, Jones, Kimble, Knox, La Salle, Mason, McMullen, Menard, Runnels, Shackelford, Stephens, Taylor, Throckmorton, Wichita, Wilbarger, Zapata and Zavala—thirty-five counties.

It will be seen that the territory occupied by these new counties—eighty-nine in number—embraced all that portion of the state east of the 100th meridian of west longitude.

In the previous chapter an account was given of the manner in which Texas paid her public debt. Relief from this great burden early in the fifties added a great impetus to the public enterprise of the state. Remarkable as the growth and expansion of population just shown had been, it was outstripped in the increase of wealth: the population in 1860 was four times that of 1846; the taxable values in 1860 were eight times greater than those of 1846.

Year	Taxable values	Rate of taxation on \$100
1846.....	\$34,391,175	\$0.20
1847.....	37,562,505	.20
1848.....	43,812,537	.20
1849.....	46,241,589	.20
1850.....	51,814,615	.15
1851.....	69,739,581	.15
1852.....	80,754,094	.15
1853.....	99,155,114	.15
1854.....	126,981,617	.15
1855.....	149,521,451	.15
1856.....	161,304,025	.15
1857.....	183,594,205	.15
1858.....	193,636,818	.12
1859.....	224,353,266	.12
1860.....	294,315,659	.12

With the increase in population and wealth there arose a demand for better transportation facilities than were supplied by the ox wagon and stage coach. Attention was first directed toward the improvement of the rivers and bays. Early in the fifties a private company opened a canal connecting Galveston bay and the Brazos river. The legislature passed an act in 1853 appropriating \$264,500, in sums ranging from \$1,000 to \$37,500, for work on nineteen different projects. The subject of internal improvements being a mooted question, this act was submitted to a vote of the people before becoming effective, and at their hands it met defeat. Governor Pease recommended a renewal of appropriations for the improvement of the waterways, and attributed the defeat of the former law not to opposition to the principles involved, but to the fact that the

act "made insufficient appropriations for those streams susceptible of being improved, while it contained many appropriations for objects of questionable utility." A general act for the improvement of waterways was passed in 1856. It appropriated \$300,000 for this purpose, to be allotted in amounts ranging from \$1,000 to \$50,000, but each locality desiring state aid under the terms of this act was required to contribute an amount equal to one-fourth of the appropriation desired. The contracts for the improvements required the approval of the state engineer. Following is a list of the improvements that were undertaken and the work on which was either completed or well under way when interrupted by the breaking out of the war:

Rivers, Bays, Etc.	Section	Appropriation
Western bays—Aransas, Espiritu Santo and Matagorda.....		\$47,500
Guadalupe river—From mouth to Victoria.....		22,950
Colorado river—Canal around raft.....		35,000
Colorado river—From raft to Wharton.....		11,240
San Bernard—From mouth to railroad crossing.....		3,900
Brazos river—From Columbia to Washington.....		50,000
Oyster creek—From Galveston and Brazos canal to Retrieve..		3,833
Galveston and San Luis bays—From Galveston city to Galves-		
ton and Brazos canal.....		16,875
Galveston bay—Red Fish bar.....		6,250
San Jacinto river—Clopper's bar.....		22,725
Buffalo bayou—From Houston down.....		22,500
Trinity river—Bar at mouth.....		15,120
Sabine bar—700 yards.....		15,000
Sabine river—From Turner's ferry to Logansport.....		31,455
Sabine river—From Logansport to Bacon's bluff.....		20,000
Neches bar—600 yards.....		3,000
Neches and Angelina rivers—From Bacon's bluff to Worden's		
ferry on the Angelina river.....		18,161
Big Cypress bayou and Caddo lake—From state line to Jef-		
erson.....		21,298

The topography of Texas made it impossible for waterways to serve any large portion of the state. The construction of railways was, therefore, advocated and encouraged with great liberality. Railway promoters received generous contributions of land, labor, money and materials of construction from the citizens along the proposed routes. The state, too, adopted measures for aiding in the building of railways. The constitution of 1845 provided for the creation of a permanent school fund by appropriating for this purpose one-tenth of all revenue raised by taxation. Two millions of dollars in United States bonds were added to this fund in 1854. To provide a method of investing this fund so that it would be safe and yield a return, an act was passed in 1856 which made it possible for railroad companies to borrow at six per cent. \$6,000 for every mile of completed road. Loans from this fund were made to the following companies:

Houston & Texas Central.....	\$450,000	75 miles
Buffalo Bayou, Brazos & Colorado.....	420,000	70 miles
Texas & New Orleans.....	430,000	71 $\frac{2}{3}$ miles
Houston Tap & Brazoria.....	300,000	50 miles
Southern Pacific (Texas & Pacific).....	150,000	25 miles
Washington County Railroad.....	66,000	11 miles

\$1,816,000

In addition to lending money to the railroads, the state by an act passed in 1854 donated to the railroads sixteen 640-acre sections of land for each mile of completed road. The railroads were required to survey the lands at their own expense, in double the amount they were to receive, and the alternate sections of the lands so surveyed remained the property of the state.

The railroad mileage constructed from 1853 to 1862, by years, is as follows:

1853.....	20 miles
1854.....	12 miles
1855.....	8 miles
1856.....	31 miles
1857.....	86 miles
1858.....	48 miles
1859.....	79 miles
1860.....	23 miles
1861.....	85 miles
1862.....	59 miles

Construction ceased in 1862 and was not resumed till after the war.

The following is a brief synopsis of the history of the eleven railway companies that constructed lines in Texas before the war: (1) The Buffalo Bayou, Brazos and Colorado Railroad was the pioneer. It was begun at Harrisburg in 1852, and the first locomotive was placed on it that year. Twenty miles were completed by August 1, 1853. It was extended to Alleyton, eighty miles. (2) The Houston and Texas Central placed its first locomotive on the road in 1856, at which time it had two miles of track out of Houston. It had reached Millican, eighty miles, when construction ceased. (3) The Washington County Railroad was begun in 1857 and in 1860 extended from Hempstead to Brenham, twenty-one miles. (4) The Galveston, Houston and Henderson was begun at Virginia Point in 1854; it reached Houston in 1858. The next year a bridge was constructed across Galveston bay, and in 1860 the road extended from Galveston to Houston, fifty miles. (5) The Houston Tap and Brazoria Railroad was built by the city of Houston in 1856 from Houston to Pierce Junction, seven miles, to connect with the Buffalo Bayou, Brazos and Colorado Railroad. In 1859 it was sold, and by the purchasers extended to Columbia on the Brazos, fifty miles. (6) Work was begun on the Texas and New Orleans Railway at Houston in 1858, and by January 1, 1861, had been completed to Orange on the Sabine river, one hundred and eleven miles. (7) The Eastern Texas

Railroad was built from Sabine Pass to Beaumont in 1860, twenty-five miles. (8) The San Antonio and Mexican Gulf Railway was begun in 1856 and completed in 1861; it extended from Port Lavaca to Victoria, twenty-eight miles. (9) The Indianola Railway was begun in 1858 and built from that port to a junction on the San Antonio and Mexican Gulf Railway, fifteen miles. (10) The Southern Pacific began construction in 1856 and by 1859 had completed its line from Marshall to the state line, twenty-seven miles. (11) The Memphis, El Paso and Pacific Railway built five miles of road from Jefferson toward Lake Caddo.

An effort to construct a telegraph line from Houston to Galveston was made in 1853. The overland portion of the line was erected, but the bay presented an insuperable obstacle for several years. In 1858 a working line was completed between the two cities. The success of this line induced the owners to form the Star State Telegraph Company which built a line out of Houston along the Texas and New Orleans Railroad, completing it as far as Liberty in 1863.

The constitution designated Austin as the seat of government until 1850. By a vote of the people the seat of government was fixed at Austin in that year. Up to this date all the governmental offices were housed in temporary wooden buildings, erected for the most part in 1839. Even if the treasury had warranted it, which it did not, there would have been opposition to the construction of permanent buildings until the question of the location of the capital was settled. A fireproof building for the land office was provided for in 1850. A portion of the United States indemnity bonds was used in providing proper public buildings. A capitol came first. Acts passed in 1852 and 1853 appropriated \$150,000 for this purpose. It was considered a handsome and substantial building in its time, but afforded accommodation only for the legislature, supreme court and state library. A fireproof building for the treasurer and comptroller was provided for by acts passed in 1853 and 1854. The governor's mansion followed in 1854; prior to that the governor occupied rented quarters. A state cemetery was laid out in 1854; the sudden death of General Edward Burleson during the session of the legislature was the immediate cause for it: he was the first laid to rest in that sacred place.

The adjutant general's office was burned by incendiaries in October, 1855. This office contained all the original archives of the war and navy departments of the Republic of Texas, and their destruction was an irreparable loss to the state. To avoid the repetition of a similar disaster, Governor Pease urged upon the legislature that the state department be provided with a fireproof building. This was done by providing a larger and more commodious building for the land office, and then turning over to the secretary of state, attorney general and governor for offices the building formerly occupied by the land office.

The penitentiary was created by an act passed in 1848, and the commissioners to choose the site selected Huntsville. The first convict was received in October, 1849, and was sentenced from Fayette county for horse-stealing. Cotton and woolen factories were erected in pursuance of acts passed in 1853 and 1854. Up to 1856 the prison population did not exceed one hundred; from 1857 to 1861 it ranged between one hundred and two hundred prisoners. In August, 1856, acts were passed

providing for the establishment of a hospital for the insane, a school for the blind and a school for the deaf. An endowment fund of one hundred thousand acres was appropriated to each of these three institutions, and for an orphans' home to be created. The hospital was located on the beautiful site it now occupies in the northern portion of Austin. It was formally opened in March, 1861, with seven patients. The school for the blind opened with five pupils on January 1, 1857, in rented quarters. In 1858 provision for the purchase of a site was made; it now occupies the grounds then acquired in the northeastern part of the city of Austin. The school for the deaf also opened in January, 1857, and enrolled nine pupils during the first session. The following year a permanent site was purchased, being a portion of the beautiful grounds now occupied by this school in South Austin.

The salaries of all state officials were placed at the very lowest amount possible by the convention of 1845; in some cases the constitution went so far as to prohibit an increase of these salaries during a specified term of years. It is to the credit of succeeding legislatures that they remedied these acts of folly at the earliest opportunity. In 1854 the salary of the attorney general was increased from \$1,500 to \$1,800, that of the commissioner of the general land office from \$1,500 to \$2,000, and those of the secretary of state, treasurer and comptroller from \$1,200 to \$1,800. It has been shown elsewhere that as soon as the constitutional limit had expired substantial increases were made in the salaries of the governor and the judges of the supreme and district courts.

During the six years beginning with 1852 and ending with 1857, nine-tenths of the state taxes were remitted to the counties to be used by them in the construction of courthouses, jails and for other purposes for which the law authorized counties to use their funds. The one-tenth not remitted was by the constitution appropriated to the permanent school fund. The entire cost of maintaining the state government and of making the numerous public improvements cited above during these six years was paid out of the proceeds of the United States indemnity bonds.

CHAPTER XXX

BORDER AND FRONTIER TROUBLES, 1849-1860

Peace and security and a desire to escape the heavy tax necessary to maintain them were among the strongest motives felt in Texas for entering the Union. The United States assumed full responsibility for defending the state against foreign aggression, and asserted exclusive control over the Indians residing within the limits of the state. The brilliant victories achieved during the Mexican war fully met the expectations of the Texans, but the murder and rapine that devastated her border and frontier from 1849 till 1861 proved a great disappointment and engendered deep resentment. Texas had demonstrated her ability to cope with this problem while a republic; the failure of the United States to deal with it effectively, besides subjecting the state to great expense and the exposed sections to great suffering and loss, evoked bitter criticism. During the war with Mexico the United States employed a regiment of mounted volunteers on the Texan frontier and this afforded security. After peace was made this force was replaced by a portion of the regular troops, which were stationed at points along the border. In 1849 this force numbered only three hundred men.

During the summer of 1849 the region between the Nueces and Rio Grande was invaded by large bodies of hostile and predatory Indians. The joint committee on Indian affairs reported to the legislature on January 11, 1850, a list of one hundred and seventy-one persons killed, seven wounded and twenty-five carried into captivity during the preceding year. In consequence of the inability of the United States troops to afford adequate protection, Governor Wood called out two companies of mounted volunteers. He expected the United States to reimburse the state for the cost of maintaining these troops. His successor, in his efforts to collect this money, however, encountered obstacles of a very vexing character. Governor Bell had spent many years in the defense of his country, and knew what was necessary to afford protection. He exerted himself to the utmost to furnish a force with which to put down the marauders. He went in person to the headquarters of General Persifer F. Smith, commanding this department, and laid before him the imperative necessity for supplying immediate and adequate assistance to the unfortunate inhabitants of the southwestern border. "This officer," said Governor Bell, "with commendable promptness, gave orders for several companies of mounted riflemen to march in the direction of the scene of trouble. The great object to be obtained, however, to give complete security to the lives and property of the sufferers, was, nevertheless, in my belief, by this movement only half accomplished. I do not mean the slightest disparagement to the troops of the regular

service. The highly intelligent and chivalric officers and brave men who have won laurels for the nation will not suffer when brought in contrast with any regular service in the world; but the circumstances under which these companies were to perform a very difficult duty, and the peculiar nature and great extent of the country in which they were to operate, rendered it highly improbable that they could do it in a complete and satisfactory manner.

"A large portion of the mounted force despatched to the Rio Grande frontier was composed of recruits, but a short time in the country, destitute of military experience on an Indian frontier, and wanting that local knowledge of the country without which even the most experienced rangers are unable to act with efficiency. Their horses, too, were unacclimated [Missouri horses], a serious drawback, as all military men well know, when called on during the heat of summer to discharge active and arduous duties.¹ Being fully persuaded of the justness of this view, I determined, if practicable, to bring into the field several companies of volunteer troops to act in concert with the regular force."

The governor called into service three companies, commanded by experienced officers. He reported his acts to the president, giving his reasons for his course, and requested "that the government would at once recognize the services of these troops and make such further and more permanent disposition as upon examination should be found necessary to restore peace and security." The secretary of war replied to this letter by saying that congress had neglected to provide for additional forces, that the rumored Indian hostilities were unfounded, and "that volunteer companies thus organized, without the sanction, and contrary to the judgment of the authorities properly charged with the defence of the country, have a tendency to create hostilities, and rather endanger the peace of the frontier." The governor's patience and courtesy were both upset by such a reply, and he characterized its author as the source of "the miserable policy emanating from the capital."

In March, 1853, a new administration was inaugurated at Washington. It did not inaugurate immediate changes in the Indian relations on the Texan frontier, but it placed the state and federal officials on a more friendly footing, in this way preparing for co-operation and concessions. Governor Bell was elected to congress in August, 1853. "The system of military defence hitherto pursued by the general government," said Governor Bell in his last general message, November 9th, "though assisted by the strenuous efforts of the Indian bureau . . . has evidently been inadequate to the task of repressing Indian murders and depredations. The vast extent of country to be protected, the immediate contiguity of trackless wastes over which the feet of white men rarely, if ever, tread, the numerous fastnesses and places of retreat known only to the savage, the cunning of the Indian in all his offensive operations, the fleetness with which, when pressed, he can fly from

¹ "Can your honorable body conceive of anything more absurd than starting in pursuit of the flying Comanche in a wagon drawn by mules, yet, such your committee are well assured has been done."—Report of the House Committee on Military Affairs, January 17, 1853.

his pursuer, his hardihood and capability of enduring under extremes of starvation and fatigue, and the unsuitable nature of the military material that has been employed by the general government to carry out their policy must convince every thinking mind that no hope can be reasonably entertained of a change for the better until an alteration in the system has been effected, and additional means employed to accomplish the end."

Governor Bell also touched on the subject of setting aside definite portions of the vacant public lands for the use of the native tribes under the control of the Indian bureau. The request had originated with the Indian bureau, and he, as well as his successor, Governor Pease, recommended it.

During the summer of 1854 General Smith made a requisition upon Governor Pease for six companies of mounted volunteers to serve in a campaign against the predatory Indians.

The troubles in Kansas caused a large portion of the mounted troops that had been stationed on the Texan frontier to be sent to that territory in the summer of 1855. Their departure was a signal for the renewal of hostile incursions. It was at this time that Governor Pease called out a company of mounted volunteers under the command of Captain J. H. Callahan. Captain Callahan pursued a party of hostile Indians for some distance across the Rio Grande. He soon found himself confronted by a large force of Indians and Mexicans and with difficulty made his way back to the river, which he crossed by burning Piedras Negras to cover his retreat. His action in the matter was not censured by the governor, but there were not wanting those who charged him with designs other than a desire to punish the Indians.

This episode appears to have served as a spur to the federal officers. General Smith assured the governor that he would dispose companies of mounted riflemen at such points as would give protection to the settlements which had suffered from the Indians, that the rifle regiment would be filled up to its full complement, and that an additional regiment of mounted men under the command of Colonel A. S. Johnston would be stationed on the Texan frontier. Governor Pease was, in consequence, enabled to report to the legislature in his message, November, 1857, that "Our frontier counties have not been entirely exempt from Indian depredations during the past two years, though such occurrences have not been as frequent as at former periods. Brevet Major General Twiggs, who is now in command of this department, has done everything in his power to give entire protection to our citizens; but the force under his command is altogether too limited. I am assured that he has already applied for such an increase of force as will be adequate to that object."

Twelve leagues of the vacant domain were set apart for the use of the native tribes by an act of the legislature passed in 1854. The sale of wines and spirituous liquors in the reservations and within ten miles of such reservations was prohibited. The United States authorities surveyed these lands in two tracts; one of eight leagues was located a short distance below Fort Belknap on the Brazos river, the other of four leagues was located on the Clear Fork of the Brazos, about thirty-five miles distant from the first. Early in 1855 a number of small Texas

tribes, including Caddoes, Anadahkoes, Wacoas, Tahwacanoes and Tonkahuas were collected at the larger reserve; the smaller was occupied exclusively by what was called the southern band of Comanches.

The plan of settling Indians on reserves was not a new experiment. Texas has today a small tribe of Alabama Indians in Polk county, which was settled on a reserve in 1839. But the location of the sites for the reserves on the Brazos were exceedingly ill-chosen and unfortunate. The object of a reserve was to collect and segregate the Indians and to place their intercourse and movements under strict control if necessary. The Indian hostilities up to 1857 had occurred principally on the frontier from San Antonio to Brownsville; prior to that date the northern frontier had enjoyed comparative security. However, about the time the Indian reserves were located the northern frontier, too, began to suffer. Troubles in this quarter were destined to increase, and the reserve Indians shared the blame.

A select committee of the senate, composed of George B. Erath, Henry E. McCulloch, Forbes Britton, J. W. Throckmorton and E. B. Scarborough, in a report dated January 13, 1858, criticised these Indian reserves as follows: "The government of the United States, through her agents, has collected and settled a few small tribes, naturally better disposed, on the Brazos river, below Fort Belknap, where they are somewhat advancing in civilization, but they do not number more than four or five hundred warriors. By far the largest number of Indians that have been accustomed to roam on our borders are not friendly disposed, although at a place some forty miles above the lower reserve above mentioned it is pretended to have the Comanches in progress of civilization, but a small portion of this tribe has ever shown any disposition to be willing to enter into the more peaceable pursuits of life; they have made but little progress, and even from the portion of Comanches which have been enrolled for domiciliation at that place the greater number are continually absent, making their appearance only when presents or supplies are to be distributed. . . . Those Indians . . . are but seldom seen by the agents or government officers, and far less controlled by their influence. . . .

"Another source of aid to them, as well as disadvantage to us, is that those who are friendly, or recognized as such, are permitted to pass and repass in our settlements, and when hostile Indians choose to penetrate the same territory they cannot be distinguished from the friendly. Citizens fall an easy prey to their enemies, who have all chances to spy out the situation of property, or the unguarded condition of the husbandman, to commit murder and theft; therefore, those Indians ought not to be allowed to pass into any settlements. . . . Your committee would therefore recommend to the government of the United States a change of the course of her policy and that of her officers:

"First, by instructing her officers not to let friendly Indians pass within the limits of our settlements, and confine them within the limits of the reservation assigned for that purpose.

"Second, by declaring war against all Indians found outside of such land or lands as are allowed them, and without parley or attempt of compromise to treat them as enemies in open war." . . .

The concentration of United States Indians on the borders of Texas,

the rapid diminution of the buffalo and other game which constituted the chief sustenance of the wild Indians, and the ready market furnished by unscrupulous traders for stolen property were perpetual causes for Indian depredations; they continued during Governor Runnels's administration. The Indians on the reserves were supported by the United States government when their own supplies were exhausted. The policy recommended by the committee was, therefore, not an unreasonable one. In fact, it was the plan that the frontier settlers had adopted as a last resort. The Indians of the Brazos agency were kept within the reserve during the greater part of 1858, but during the fall hunting parties made excursions into the adjacent country. One of these parties was attacked on the night of December 27th and all were killed or wounded. This outrage greatly exasperated the reserve Indians, and they threatened to wreak their vengeance on the whites. Governor Runnels issued an address to the people of the neighboring counties, warning them against any rash act on their part and assuring them that steps had already been taken to have the Indians removed as soon as possible. The people affected in turn clamored for immediate removal and threatened to take matters into their own hands. The governor appointed a board of five peace commissioners to investigate the causes of the disturbances and to adopt measures for the protection of the Indians until removed. The commissioners reported that the complaints of the citizens were not without just cause, and John Henry Brown, one of the commissioners, was placed in command of one hundred men to compel the Indians to remain upon the reserve. The demand for immediate removal was renewed. The governor was a candidate for re-election and his Indian policy was severely criticised; the election would be held early in August. On July 30th and August 1st, the Indians set out from their reserves, under the protection of United States troops, for their new homes near Fort Cobb, north of Red river. The circumstances attending their removal were such that they left "entertaining the most vengeful animosities towards such localities on the frontier as they believed had been active against them."

The region between the Nueces river and the Rio Grande did not form part of Texas prior to 1836; it was a part of Tamaulipas, and such of the lands as had passed into private ownership were held by Mexicans. Their title deeds presented the same confusion as did all the grants of land made by the Spanish government. In his message to the legislature in December, 1849, Governor Bell recommended the establishment of tribunals for the investigation of those titles and claims, dated prior to March 2, 1836, and held by citizens of Texas, in order that such as were found equitable and just be confirmed. This message created undue alarm. A meeting was held at Brownsville, February 2, 1850, participated in by many Mexicans, at which preliminary steps were taken for the organization of the Rio Grande territory. In the address issued by these factionists it was alleged that "the authorities of Texas seek to annul the titles in real estate. . . . It is a fatal blow to our future prosperity, and will involve the country in litigation, ruinous and endless. . . . With a territorial government land titles would at once be quieted. . . . A territorial government is now within our

reach." The movement was attributed to speculators and ambitious politicians, but coming at a time when both North and South were trying to checkmate one another in the acquisition of free and slave territory, the feeling that there might be deeper, concealed motives back of the movement created some uneasiness. Governor Bell issued an address, February 22d, "to the people of the Rio Grande," in which he assured them that the sole object of his recommendations was to promote the growth and prosperity of that portion of the state, and to quiet and not disturb or invalidate the land titles.

The proximity of Texas to the Mexican border made the escape of slaves a rather frequent occurrence. Mexico would not restore them to their owners. Late in August, 1856, it was discovered that the negroes of Colorado county had formed a plot to murder their masters, plunder their homes, take their horses and arms and fight their way to Mexico. The report of a committee of Colorado county citizens on September 9, 1856, declared that "without exception every Mexican in the county was implicated. They were arrested and ordered to leave the country within five days, and never again to return. . . . We are satisfied that the lower class of the Mexican population are incendiaries in any country where slaves are held, and should be dealt with accordingly. And, for the benefit of the Mexican population, we would here state that a resolution was passed by the unanimous voice of the county, forever forbidding any Mexican coming within the limits of the county." Similar action in regard to the expulsion of Mexicans was taken in Matagorda county. In Uvalde county Mexicans were forbidden to travel the public roads unless provided with passes.

The Mexican cartmen, engaged in transporting goods between Indianola and San Antonio, were attacked on three different occasions near Goliad during the month of July, 1857, by lawless bands of persons, who fired on the cartmen, wounding six Mexicans and killing one American, cut down the wheels of the carts, and in some instances appropriated the goods. The agitation carried on by the Know-Nothing party is believed to have had some influence on these acts of violence. At a meeting held at Goliad a resolution was adopted which stated "that we declare the sentiments of this meeting, and we believe of the whole people throughout this section, to be that the continuance of the greasers or peon Mexicans as citizens among us is an intolerable nuisance and a grievance which calls loudly for redress." The chief cause, no doubt, "was found in the fact that these Mexicans are willing to carry goods at a lower price than American citizens can carry them for." The trade carried on with Chihuahua, El Paso and New Mexico via San Antonio amounted to millions of dollars per annum. Naturally the merchants did not wish it interfered with. On September 12th a train of carts loaded with United States government supplies was attacked near Helena, Karnes county; one Mexican was killed and several were wounded. It was openly asserted that such violence would continue as long as the Mexicans engaged in carting goods. Governor Pease called out a company to afford protection to the cartmen. The lawless element, finding it dangerous to molest carts, depredated on private property. The citizens who had previously winked at this lawlessness now executed summary justice by hanging a number, and promptly order was restored.

The deep race prejudice entertained toward the Mexican citizens of Texas furnished fuel for a formidable uprising near Brownsville in 1859. Juan N. Cortina, a daring border chieftain, visited Brownsville July 13th. He saw the sheriff dragging a Mexican along by the collar; Cortina remonstrated with him; the sheriff insulted him; Cortina thereupon shot and wounded the sheriff and carried off the prisoner. On September 28th he returned to Brownsville at the head of a body of mounted men, took possession of the city, killed several individuals who had been guilty of outrages toward the Mexicans, and liberated the prisoners. Thereupon he retired to his ranch, some distance up the Rio Grande, and on the 30th issued a proclamation in which he said: "Our purpose has been . . . to punish the infamous villainy of our enemies. These have banded together . . . to pursue and rob us for no other reason . . . upon our part except being by birth Mexicans."

Cortina having crossed over the Rio Grande, the sheriff captured Cabrera, the second in command, about October 12th. Cortina demanded Cabrera's release and threatened to burn Brownsville if his demand was refused. In a few days Captain Tobin arrived with a company of rangers. Cabrera was found hanged. Cortina was joined by large numbers of Mexican-Texans at his ranch. Fearing that Brownsville would be attacked the authorities of Matamoras were appealed to for aid, which was promptly furnished. On October 24th a combined force of Americans and Mexicans attacked Cortina and compelled him to retreat into the chaparral. An attempt to dislodge him resulted in confusion and the combined forces retreated, leaving two cannon behind. Lieutenant Littleton was defeated on November 13th.

Cortina issued another proclamation on November 23d, in which he stated that "an organized society in the state of Texas will untiringly devote itself to the extermination of their tyrants until its philanthropical purpose of bettering the condition of the unfortunate Mexicans who reside there shall have been attained." On the next day Captain Tobin with about two hundred and fifty men advanced to attack Cortina, but the position of the latter, supported by four hundred or five hundred men, proved too strong. Major Heintzelman arrived at Brownsville on December 5th, and with a force of one hundred and sixty-five United States regulars and one hundred and twenty Texas rangers he expelled Cortina from his position December 14th. Cortina retreated to Rio Grande City, devastating a wide strip of country as he proceeded. At that place he was disastrously defeated on December 27th, losing his guns, ammunition and baggage, but he succeeded in making his escape to Tamaulipas.

"After the removal of the Indians from the reservations, . . . the hostility of the native races was intensified, and the northern and western borders were subject to all the horrors of savage warfare." Governor Houston's administration covers this period. He had ever championed the cause of the Indian. His message to the special session of the legislature, January 21, 1861, is here quoted to show conditions during 1860 and on the eve of secession:

"When the executive came into office the frontier was entirely

unguarded except by the federal troops. The Indians, unrestrained by the presence of rangers, embraced the favorable opportunity and gained a foothold in the country, and ere their presence was known and means could be adopted to repel them, commenced a series of depredations, which struck terror to the settlements. Their savage work was not confined to the frontier alone, but extended to counties within fifty miles of the capitol. Although not apprized of this state of things, the executive had made such provisions for the defense of the frontier as seemed necessary. On the 26th of December [1859], a few days after his inauguration, an order was issued to Captain W. C. Dalrymple, of Williamson county, to raise a company of sixty men, rank and file. This was followed by orders of the same character to Captain Ed Burleson, of Hays, and to Captain John H. Conner, of Travis, on the 4th and 13th of January. These companies were ordered to such points as would enable them to carry out the orders given them to 'give the greatest amount of protection to the frontier inhabitants.'

"Had the frontier not been entirely abandoned to the Indians for months previous to his inauguration, these companies would have sufficed to prevent any concerted and extensive movements against the settlements on the part of the Indians, but they were already secreted in the country. Intelligence having reached the executive that numerous small parties of Indians were ravaging the line of settlements beyond Bell county, but yet not on the extreme frontier, orders were issued on the 13th of February to Lieutenant White, of Bell, Salmon, of Bosque, and Walker, of Erath county, to raise each a detachment of twenty-five men to range in and give defence to the counties of Coryell, Hamilton, Comanche, Erath, Eastland and Palo Pinto. These detachments were soon in the field, with orders to exercise every energy to give the frontier protection and security.

"Authentic accounts of depredations still coming in, the executive, on the 21st of February, sent to the various frontier counties a letter authorizing the citizens of each county to raise a minute company of not more than twenty men, who should look to the next legislature for payment; and to more effectually ensure the presence of these minute companies in the field a general order was issued on the 9th of March, by which the chief justice of each county was instructed to organize immediately a minute company of fifteen men, to whom the following orders were given:

"The detachments will immediately take the field and enter upon active scouts, affording protection to the inhabitants of their respective counties. When an Indian trail is found it must be diligently followed, and if the sign indicates a larger party of Indians than he is able to cope with, he will call not exceeding ten men to his aid.'

"Under this order minute companies of fifteen men each were mustered into service in the following counties: Lieutenant Scanland, Montague; Lieutenant Isbell, Wise; Lieutenant Cochran, Young; Lieutenant Jones, Palo Pinto; Lieutenant Stevens, Eastland; Lieutenant Lowe, Erath; Lieutenant Price, Comanche; Lieutenant Nelson, Bosque; Lieutenant Gentry, Hamilton; Lieutenant Font le Roy, Coryell; Lieutenant Cowan, Llano; Lieutenant Wood, San Saba; Lieutenant Hughes, Lampasas; Lieutenant Lewis, Mason; Lieutenant O'Hair, Burnet, Lieutenant

Franzelin, Gillespie; Lieutenant Balentyne, Bandera; Lieutenant McFadden, Kerr; Lieutenant Kennedy, Uvalde; Lieutenant Patton, Blanco; Lieutenant Brown, Bexar; Lieutenant Watkins, Medina, and Lieutenant Ragsdale, Frio.

"In addition to putting this force of minute men in the field, the executive, in order to enable the frontier citizens to more successfully defend themselves, purchased and distributed through the frontier counties one hundred Colt's revolvers, which, with a number of revolvers, rifles and muskets, were sent forward. Ammunition was also supplied to the minute companies.

"To provide for the defence of the settlements beyond San Antonio, an order was issued on the 5th of March to Captain Peter Tomlinson, of Atascosa county, to raise forty-eight men, to whom were assigned the range between the Frio and the Rio Grande. Captain Tomlinson was mustered into service on the 20th of March.

"It will thus be seen that up to this period the executive had called into service a ranging force of seven hundred and twenty men, which might be increased upon an emergency to nine hundred and fifty. The greater part of this force was then in active service, and as a result the Indians disappeared from the settlements. . . . The minute companies of fifteen men were kept in service until the 18th of May, when there being no longer a pressing necessity for their presence in the field, they were disbanded, subject to be called out at any moment. . . .

"Before, however, these forces could be brought to bear on the settlements, many murders had been committed and a large number of horses stolen. With a view of avenging these outrages and the recovery of the property of our citizens, the executive determined to send against the Indians a force sufficient to discover their hiding places and accomplish these objects. It has long been the opinion of the executive that the horses stolen from us are herded at some central point between our settlements and the trading posts where they are sold, and that from this point stealing parties strike for our settlements, leaving others in charge of the animals already taken. To punish these Indians, as well as to ferret out the parties who purchase our horses from them, required an able force and was a work requiring much time and privation. The duty of raising troops for this expedition was assigned to Colonel M. T. Johnson, of Tarrant county, to whom was issued orders on the 17th of March to raise a sufficient number of mounted rangers to 'repel, pursue and punish the Indians now ravaging the North and Northwestern settlements of Texas, with full liberty to dispose of the force under your [his] command at your [his] discretion.'

"In pursuance of this order, Colonel Johnson raised five companies of rangers of eighty-three men, commanded by Captains Smith, of McLennan; Darnell, of Dallas; Woods, of Fannin; Fitzhugh, of Collin, and Johnson of Tarrant. These rendezvoused at Fort Belknap, where they were joined by the two companies under command of Captains Ed Burleson and W. C. Dalrymple, and on the 23d of May the expedition started for the Indian country. . . . A portion of the troops were ordered back by Colonel Johnson from old Fort Radsmiske the 30th of July. The others penetrated the Indian country beyond the

line of Kansas, and after enduring many privations returned to Fort Belknap, where they were disbanded by order of the executive.

"Although no Indian depredations were at that time reported, the executive, to guard against their repetition, ordered Captain L. S. Ross to McLennan on the 11th of September to raise a company of seventy men and to take his station beyond Fort Belknap, where he arrived on the 17th of October.

"On the 6th of December information reached the executive of the most appalling outrages committed by the Indians in Jack and Parker counties. Orders were immediately sent forward to Captains Thomas Stocton, of Young, and James Barry, of Bosque county, to raise each twenty-four men and proceed to co-operate with Captain Ross in protecting the settlements. These troops did not enter the service, but on the 17th of December an order was issued to Captain A. B. Burleson to raise seventy men, which was followed by orders to Captain E. W. Rogers, of Ellis, on the 26th of December, and to Captain Thomas Harrison, of McLennan, on the 2d of January, to raise each seventy men, all of whom have now gone forward to Fort Belknap, where Colonel W. C. Dalrymple, of Williamson county, acting under commission as aid de camp to the executive, has been ordered to repair to effect an organization of the troops and to devise means for their efficiency.

"It affords the executive pleasure to state that the Indians who committed the late depredations in Jack and Parker counties have been overtaken and killed by a force under the command of Captain Ross.

"It will be seen from the plain statement of facts given above that from the time of his inauguration up to the present time the executive has devoted all the energies at his command to the defence of the frontier. He has called into service a number of the most experienced ranging officers in the state and given them troops obtained in counties capable of furnishing the best Indian fighters in the world. Not only in number, but in the equipment of the troops, the means he has adopted for frontier defence have been adequate to more than the reasonable expectation of the country. Besides these he has provided every county with a minute company for its own defence, formed by its own citizens. . . .

"In March last the executive tendered to the secretary of war of the United States five thousand Texan volunteers to aid in defence of the frontier. The offer was declined. Efforts have been made to induce congress to pass a bill authorizing the calling of such a force into the field, but they have been thus far unsuccessful. The federal government has, however, from time to time, sent re-enforcements of the regular army into Texas, until the entire force on our border comprises about one-fifth of our entire army. These prevent the invasion of our soil of any numerous body of Indians, and occasionally intercept small stealing parties, but to entirely check the latter a more active force is necessary, which should be constantly employed in scouting the country."

The total cost of frontier defense to the state for thirteen months of Governor Houston's term was \$294,781.11, but since the state treasury did not have the funds with which to meet these extraordinary expenditures, interest-bearing liabilities had to be issued. This was only a frac-

tion of the expense to which the state was subjected on account of frontier defense. It will be remembered that the act of congress, approved February 28, 1855, making final provision for the payment of the revenue debt, required the state legislature to abandon all claims against the United States growing out of Indian depredations. Investigation made by the federal war department in 1905 showed that between February 28, 1855, and June 21, 1860, Texas spent \$375,418.94 for this purpose. This sum was repaid to the state in 1906. A large portion of the expenditures made during Governor Houston's term were paid out between June 21, 1860, and March 4, 1861. Of these expenditures the state received repayment to the amount of \$21,395.95 in 1908, and now has pending a claim for the balance, amounting to the sum of \$183,080.77. (See Document No. 551, house of representatives, sixty-second congress, second session.)

CHAPTER XXXI

POLITICS, 1851-1860

During the period of the republic no alignment of the voters in political parties had taken place, nor was this the case during the first few years of the state. Candidates for state office entered the race at the solicitation of their friends or in obedience to their own ambitions for political preferment. The question of annexation and the current of events into which the state was swept by her entry into the Union had a determining effect as to the choice of party by most Texans. The Whigs had opposed and the Democrats had favored annexation. The United States senators elected by the first legislature and the two congressmen chosen immediately thereafter were Democrats. The death of David S. Kaufman caused a vacancy in the Eastern congressional district; among the candidates who offered for the place was a Whig. The Democrats, therefore, held a convention at Henderson in June, 1851, and nominated Richardson Scurry, who was elected. Democratic congressional conventions were held regularly thereafter in this district. No congressional conventions were held in the Western district until 1859.

The Whigs had carried the presidential election in 1848. The Democrats were determined to retrieve this defeat in 1852. It was under these circumstances that the first state Democratic convention met at Austin on January 8, 1852. Twenty-one counties were represented by delegates, and the Democratic members of the legislature from the counties having no delegates were invited to represent those counties. Besides unfurling officially the banner of Democracy in Texas, organization was perfected by electing a central committee, a platform was adopted, delegates to the national Democratic convention were appointed, presidential electors were nominated, and General Sam Houston was presented to the favorable consideration of the great Democratic party as a candidate for the presidency. The platform did not touch upon state policy, but endorsed the national platform of 1848, the compromise measures of 1850, and the Virginia and Kentucky resolutions. Washington D. Miller was made chairman of the central committee.

The Whigs held conventions in the Eastern and Western congressional districts in the spring of 1852; they appointed delegates to the national convention and nominated presidential electors. Some prominent names appeared among the adherents of this party, but they seem never to have held a state convention in Texas.

During the fall of 1852 the matter of holding a state Democratic convention to nominate a governor, lieutenant governor and commissioner of the general land office was advocated by some. The central committee, therefore, issued a call for the convention to meet at Austin

February 22, 1853. The governor had previously issued his proclamation convening the legislature in extra session on January 10th; this no doubt had its share in influencing the committee. However, the legislature adjourned on February 7th, and thus made the holding of a convention impracticable. Later the central committee recommended that the convention be held at Washington-on-the-Brazos June 15th. There were seven Democratic candidates for governor in the field, and three Democratic candidates for lieutenant governor. To insure the party's victory some elimination appeared very necessary, but so few delegates attended at Washington in June that no nominations were made.

The large influx of able men from the other states, the growing diversity of opinion in regard to the question of internal improvements, the increase in the number of newspapers, and the activity of politics in the other states contributed to greater political activity in Texas. No state conventions were held in 1855, but the campaign as waged that year exceeded its predecessors in the vigor and acrimony with which it was pushed. Three Democrats, E. M. Pease, M. T. Johnson and George T. Wood, and one Know-Nothing, D. C. Dickson, were candidates for governor. It was the first appearance of the Know-Nothings in Texas politics, and the strength they showed was a surprise to the Democrats. Although the Know-Nothing candidate was defeated, the campaign had important results. General Houston had gone over to this party. The assaults made by this party upon foreigners drove the German and Mexican population of Texas into the Democratic ranks. On the day of his inauguration Governor Pease was escorted to the capitol by a German band, and in his inaugural address he took occasion "for saying a few words upon political subjects, since our late election for state officers is the first that has been decided by our citizens upon political issues alone." His reference to the "heresies of this new political party" produced a sensation. The legislature paid its respects to General Houston by adopting a resolution disapproving his course in voting against the Kansas-Nebraska act.

During the session of the legislature, in January, 1856, both the Democrats and the Know-Nothings held state conventions at Austin. The Democratic platform declared its affirmation of the national platform of 1852, opposition to all secret political societies, whether called "American," "Know-Nothing" or any other delusive name, opposition to all proscription on account of place of birth or particular religious creed, endorsed the Kansas-Nebraska act, emphasized the doctrine of state rights, strict construction of the constitution and non-intervention by the federal government in deciding the question of slavery in the territories. The Know-Nothing platform declared in favor of native Americans for office, for a strict construction of the constitution and in favor of state rights, for extending the period for the naturalization of foreigners to twenty-one years, for liberty of conscience and the press, for protection of the frontier, denied that congress had power to interfere with slavery in the states or territories, and opposed any interference with slavery in the District of Columbia or the repeal of the fugitive slave act; it recommended a modification of the national platform of 1855 proscribing Catholics, and abolished all secrecy, pass words and

signs. Both conventions nominated full tickets for state officers and presidential electors and appointed delegates to the national conventions.

From 1845 to 1864 the governor, lieutenant governor and commissioner of the general land office were elected in the odd years, and from 1850 onward the attorney general, treasurer and comptroller were elected during the even years. So there was a state election every year. The Democrats held their convention at Waco in May, 1857. The platform adopted defined no state policy; it endorsed the national platform of 1856, and declared that the citizens of the southern states possessed the right to carry their slaves into any territory of the United States. The two-thirds rule was adopted by this convention and adhered to by subsequent conventions. H. R. Runnels and F. R. Lubbock were nominated for governor and lieutenant governor. The Know-Nothings held no convention; the party had already begun to disintegrate. But about the time the Democratic nominees went before the people General Sam Houston announced his candidacy for governor as an Independent. General Houston was known throughout the state, was then United States senator, had recently been mentioned for the presidency, and he was a vigorous campaigner. Runnels was lieutenant governor at this time, and a wealthy planter, but he was little known throughout the state and made no campaign. Nevertheless the Democrats were determined to elect their candidates; the contest was hot from the outset. The regular ticket won by a good margin; Runnels received 32,552 votes, Houston 23,628 votes. National events played their part in this result; the feeling was becoming general that to resist northern aggression the state must present a solid front.

The prominence of national issues was marked throughout the session of the seventh legislature, November 2, 1857—February 16, 1858. Governor Pease, in his general message, addressed this body as follows: "Our relations with the federal government and with the several states composing it are a subject of deep anxiety to every patriot. The rapid strides made in the last few years by a party in the northern states, organized with the avowed object of endeavoring to effect the abolition of slavery as it now exists in fifteen states and some of the territories, has very justly excited the fears for the perpetuity of the Union. . . . The people of Texas are attached to their domestic institutions; they ask nothing for them from the federal government but those rights guaranteed by the constitution, and any infringement of these rights will never be submitted to." Governor Runnels also touched upon the course of events in his inaugural address. He reviewed the recent political contest in Texas; he traced the questions growing out of slavery from 1820 to the date of the troubles in Kansas, where the principle of non-intervention by the federal government was flagrantly disregarded by the territorial governor and others. "Year by year the South is becoming weaker, the North growing stronger. That equilibrium has been destroyed which afforded the only sure and permanent guarantee of protection against abolition innovation. . . . For the future to the North must be left the management and control of a question which involves union or dissolution, peace or war. . . . There is now left but one reasonable hope for preserving the Union and maintaining the rights of the states in it, and that is upon a rigid adherence to a strict construction of the federal constitution."

Through the death of General Thomas J. Rusk and the expiration at an early date of General Houston's term, the legislature was confronted by the unusual condition of having to elect two United States senators. J. Pinckney Henderson was chosen to fill the vacancy, and John Hemphill was elected in place of Houston. In this manner the legislature a second time expressed its disapproval of General Houston's course.

The state Democratic convention assembled at Austin January 8, 1858, for the purpose of nominating candidates for attorney general, comptroller and treasurer. A platform was adopted containing the following resolutions:

"Resolved, That recent events in the United States senate create in our minds a serious apprehension that the great doctrine of non-intervention . . . is in danger of being repudiated by congress through the instrumentality of members of the national Democratic party . . . and that we now consider it our duty to set forth to the country the course that we shall be compelled to take in that serious and deplorable emergency.

"Resolved, That we request the representatives of the people of Texas, in legislature assembled, to provide at the present session for the executive of the state appointing suitable delegates to a convention of southern states, which may be hereafter assembled for the purpose of consultation and advice for the general welfare of the institutions of the South."

Governor Runnels sent to the legislature a special message on January 20th dealing with the Kansas question. In it he took the same stand as did the Democratic convention in the resolutions cited above: "It is my deliberate judgment," he said, "that if congress refuses to admit Kansas as a state with the constitution she now presents, for any other cause than that said constitution is not Republican in character, the time will have come when the southern states should look to themselves for the means of maintaining their future security."

The legislature responded to the sentiments of the governor and the request of the convention by adopting the following joint resolutions. They were passed by a unanimous vote in the house and by a vote of twenty-three to five in the senate:

"1. Be it resolved . . . , That the governor of this state is hereby authorized to order an election for seven delegates, to meet delegates appointed by the other southern states, in convention, whenever the executives of a majority of the slave-holding states shall express the opinion that such a convention is necessary to preserve the equal rights of such states in the Union. . . .

"2. That should an exigency arise, in the opinion of the governor, in which it is necessary for the state of Texas to act alone, or by a convention representing the sovereignty of the state, he is hereby requested to call a special session of the legislature to provide for such state convention."

On December 30, 1857, John Henry Brown presented to the house of representatives "A Report and Treatise on Slavery and the Slavery Agitation." "The main object," said Mr. Brown, "in presenting this report at this time is to get a sound pro-slavery document disseminated

throughout the state. We think it takes a sound southern view of the question. . . . We believe that the circulation of such a document among the population of our state, made up as it is from every country almost on the globe, will have a salutary effect at this time. It has been the great anxiety of the committee and myself to place the truth before the minds of our people, and especially of those who have come among us from states and countries where slavery does not exist." It was voted to print 10,000 copies of this report in pamphlet form; 7,500 in English, 1,500 in German and 1,000 in Spanish.

The state Democratic convention met at Houston May 2, 1859, for the purpose of nominating candidates for governor, lieutenant governor and commissioner of the general land office. Runnels and Lubbock were renominated without opposition. The platform avoided any reference to state policy, but endorsed the national Democratic platform of 1856, readopted the Waco platform, declared the decision in the Dred Scott case to be a true exposition of the constitution, opposed the admission of any new state until its population entitled it to at least one representative, and favored the acquisition of Cuba as a measure of self-protection. Early in June General Houston announced that he would again make the race for governor and defined his platform as follows: "The constitution and the Union embrace the principles by which I will be governed if elected. They comprehend all the old Jacksonian Democracy I ever professed or officially practiced." Other independent candidates were brought out, and the campaign waged between them and the regulars was state wide and full of excitement. In the previous chapter a brief account was given of the troubles with the reserve Indians during Governor Runnels' administration. There was no subject for which he was more severely criticised than his Indian policy, and, while it is hard to see how any one could have done much better under the circumstances, it alienated the entire frontier and brought about his defeat. Other charges brought against him were that he was a disunionist, that his administration had been extravagant, and that he favored the reopening of the African slave trade. Some prominent Democrats had declared themselves in favor of repealing the laws prohibiting the foreign slave trade, but others equally prominent in the councils of the party had denounced the plan most severely and the convention discountenanced it. Besides, many influential public men, among them ex-Governor Pease, supported the Independents. Branded as a political outcast, stripped of his senatorial honors, General Houston made his last winning fight. His personality, energy and tact in approaching the voters broke down the political barriers of his opponent and turned the defeat of two years ago into an overwhelming personal victory. Houston received 36,257 votes; his opponent, Governor Runnels, 27,500 votes; Edward Clark, who ran on Houston's ticket, received 31,458 votes; his opponent, Lieutenant Governor Lubbock, 30,325 votes.

In his general message to the legislature November 10, 1859, Governor Runnels, after dealing with matters relating to the state, reviewed the history of political parties in the United States from the beginning. The Democratic party had its origin in the efforts to resist the encroachments upon the rights of the states and to curb the loose construction tendencies of the Federalists. The party had adhered to its strict con-

struction of the constitution throughout, and had thereby gained the confidence and firm adherence of the people of the South. So long as this party remained in power and followed this path state rights were not endangered. But he regretted the appearance of divisions in the party; he denounced the doctrine of squatter sovereignty. If the northern Democrats persisted in its advocacy, he said it would mean the overthrow of the Democratic party, the disregard of state rights and consequently submission or secession. "Equality and security in the Union, or independence outside of it, should be the motto of every southern state."

The death of J. Pinckney Henderson, United States senator, made it necessary for the legislature to choose his successor. Governor Runnels had appointed Matthias Ward, but the legislature on December 5th elected Louis T. Wigfall, an ultra-southern state rights advocate. He was particularly obnoxious to General Houston; his choice by the legislature, when his eligibility was very doubtful, showed how personal had been the nature of Houston's victory. The temper of the legislature had not been changed by the recent election.

General Houston discarded all precedent by refusing to deliver his inaugural address as governor to the legislature in joint session; instead he delivered it from the portico of the capitol to a large audience gathered on the steps and lawn below. He asserted his independence of any caucus or party for the position he held, and appealed to the whole people to sustain him. "When Texas united her destiny with that of the government of the United States . . . she entered not into the North, nor South. Her connection was not sectional, but national. . . . When our rights are aggressed upon let us be behind none in repelling the attack, but let us be careful to distinguish between the acts of individuals and those of a people." His general message on January 13th made but a brief reference to national politics. "I cannot refrain from congratulating the legislature," he said, "upon the triumph of conservatism as seen in the many evidences of the determination of the masses of the people of the North to abide by the constitution and the Union, and to put down the fanatical efforts of misguided abolitionists who would endanger the safety of the Union to advance their vapid schemes. . . . Texas will maintain the constitution and stand by the Union. It is all that can save us as a nation. Destroy it and anarchy awaits us." An elaboration of his views of the course Texas ought to pursue during the existing disturbed condition of political affairs was called forth by the South Carolina resolutions, which were transmitted to him by the governor of that state with a request that he lay them before the legislature. These resolutions reasserted the right of secession; they called attention to the "assaults upon the institution of slavery, and upon the rights and equality of the southern states" made during recent years; and they expressed it as "the deliberate judgment of the general assembly that the slave-holding states should immediately meet together to concert measures for united action." As if to forestall the necessity of a veto of any action the legislature might take in the premises, Governor Houston entered his "unqualified protest against and dissent from the principles enunciated in the resolutions," and proceeded to show many reasons for maintaining the Union. "The

people of Texas are satisfied with the constitution and the Union as they are," he said.

Majority and minority reports were made in the house and the senate on the subject of the South Carolina resolutions and the governor's message thereon. The majority reports in each branch took the state rights attitude of South Carolina; the minority reports endorsed the views of the governor. Considerable debate took place, but naturally the report of neither side prevailed. The majority report in the senate was made by F. S. Stockdale and in outline was as follows:

1. "This legislature unequivocally declares: That the system of government, instituted by our state and federal constitutions, is the wisest in principles ever devised by man, and in its organization the most efficient for the attainment of the objects of its creation, . . . security to political liberty and the protection of persons and property. That it is our firm resolution to maintain and defend the constitution of the United States, which is the cement of the Union, as well in its limitations and reservations as in its authorities and powers, and to support the constitution of this state and to require that the rights, authorities and powers existing in and reserved to this state and the people thereof be respected. . . . That consistently with the foregoing it is our fixed determination to adhere to and support the Union of these confederated states, and to defend the same from all aggressions.

2. "Regarding the Union, upon the principles of the constitution, as an unmixed blessing and its preservation upon those principles as the highest duty of the states and the people thereof, we deem it our duty further to declare: That the statutes of several of the non-slaveholding states, nullifying the fugitive slave laws, . . . the purpose of the dominant political party in the non-slaveholding states, called the Black Republican party, to use, if it can get possession of the federal government (with the view that party has of the extent of those powers) for the extermination of African slavery in the states by reorganizing the supreme court of the United States, . . . by prohibiting . . . slavery in the territories, . . . by refusing to admit any new state in the constitution of which . . . slavery is recognized, by refusing to exercise such powers as are constitutionally delegated to the Federal government, where it has jurisdiction, for the protection of all property, . . . by creating new states so as to get the requisite number to change the constitution . . . are all in violation of the spirit and principles of the constitution, dangerous to the Union and at war with those institutions which, at all hazards, it is our duty to defend.

3. "Seeing, as we cannot avoid seeing, there is imminent danger that the said Black Republican party will get possession of all the departments of the federal government, and exercise all the powers of the same, and others not delegated, for the effectuation of the unconstitutional purposes named, and believing that such an event would result in the destruction of all barriers between the states and an arbitrary, consolidated government of an irresponsible section, we solemnly appeal to the people of the other states to prove by their political action, in the ensuing state and federal elections, their devotion to the constitution and

the Union and to the sovereignty and equality of states, and do not make the appeal without the hope of a patriotic answer; but, in case our appeal is disregarded, and in view of the possibility of such an event, we earnestly commend the whole subject to our present and probable exigencies to the profound consideration of the people of the state, the sovereignty of Texas, that they may devise the ways and means of maintaining, unimpaired, the authorities, rights and liberties reserved to and existing in the states respectively and the people of the same."

The state Democratic convention assembled at Galveston April 2, 1860. The presidential election to be held was looked forward to with eager expectation and some trepidation. The platform adopted marked out the policy of this state. It endorsed the Cincinnati platform of 1856 as "embracing the only doctrines which can preserve the integrity of the Union and the equal rights of the states;" it unequivocally denounced squatter sovereignty; it expressed adherence to the Virginia and Kentucky resolutions of 1798 and 1799. Texas as a sovereign and independent nation joined the confederacy of the United States; she surrendered no part of her sovereignty in doing so; should the Federal government fail to accomplish the object of the confederation, of which failure Texas alone could judge, she asserted a full right to withdraw from the confederacy. Under the constitution every citizen has the right to take his property, including slaves, into the territories. The people of Texas regarded with aversion the efforts of a sectional party at the North to abolish slavery, and whenever that party shall succeed in electing a president it became the duty of the people of Texas "to hold themselves in readiness to co-operate with our sister states of the south in a convention to take into consideration such measures as may be necessary for our protection or to secure out of the confederacy that protection of their rights which they can no longer hope for in it." Among the delegates sent to the national Democratic convention were H. R. Runnels, F. R. Lubbock, F. S. Stockdale and Guy M. Bryan.

The national Democratic convention met at Charleston, South Carolina, April 23. Majority and minority reports were made by the platform committee, the two disagreeing solely on the right to carry slaves into the territories under the protection of the United States. The Texan delegates had special instructions on this subject and, when the northern delegates refused to vote for a plank affirming such a right, those from Texas and from the other southern states withdrew, causing a division of the national Democratic party. At adjourned sessions of the conventions at Baltimore, the northern Democrats nominated Douglas for president, and the southern Democrats nominated Breckinridge.

The Republican party nominated Lincoln for president, and in their platform denied "the authority of congress, of a territorial legislature, or of any individuals to give legal existence to slavery in any territory of the United States."

Texas was represented in the Constitutional Union party, which met at Baltimore, by A. B. Norton and J. H. Manly, staunch supporters of General Sam Houston. This party adopted for its platform "The Union, the constitution and the enforcement of the laws." General Houston received 57 votes for president on the first ballot; Bell received

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681½ votes. On the second ballot Bell was nominated. Houston declared that the use of his name at Baltimore was without his authority; therefore, when a mass meeting of citizens on San Jacinto battleground subsequently recommended him "to the nation as the people's candidate for the presidency," he accepted in terms identical with those used in announcing his candidacy for governor the year before. In August, however, he withdrew from the canvass.

The presidential election resulted as follows:

Candidate	Popular vote	Electoral vote
Lincoln.....	1,857,610	180 (18 Free States)
Douglas.....	1,365,976	12 (Missouri and part of New Jersey)
Breckinridge.....	847,953	72 (11 Slave States)
Bell.....	590,631	31 (Kentucky, Tennessee & Virginia)

The Lincoln and Douglas tickets received no votes in Texas; Breckinridge received 47,548 and Bell 15,463 votes.

CHAPTER XXXII

SECESSION

The division of the Democratic party at Charleston in May, 1860, broke down the last barrier to sectionalism in politics; it added the fateful touch to the campaign. Of the four candidates for the presidency, the fanatics in the north and the ultras in the south took the lead. Texas in general approved the course of her delegates at Charleston; over three-fourths of the vote of the state went to Breckinridge. Bell was the only other candidate to receive any support in Texas. While he was not an enthusiastic supporter of Bell, Governor Houston exerted himself to the utmost for the cause of the Union; he left a sick-bed to address a Union meeting at Austin on September 22d. In this speech he confessed that "I begin to feel that the issue is really upon us which involves the perpetuity of the government." He exposed many of the fallacies of his opponents. His efforts were seconded by other Union men of great ability. But the remedy they proposed was impracticable. The judgment, passions and prejudices of an overwhelming majority of the people of Texas had been slowly forming by what they observed during the past decade or longer. They had followed the course of the abolitionists in congress, in Kansas, at Harper's Ferry. They smarted under the attacks made upon their rights and domestic institutions by a sectional press, a sectional pulpit and so-called higher law advocates. The question of slavery, so far as Texas was concerned, had been settled when Texas entered the Union; the right to hold slaves was a preliminary condition to annexation; had it been denied Texas would never have entered the confederation. With disgust did the Texans perceive the probability of a candidate being elevated to power on an abolition platform. Pendleton Murrah made an address on November 8th in which he said: "If Lincoln is elected, it is because he is a Black Republican. . . . And if that be so, the 'higher law,' set above the constitution of our country by the authority of that vote, is on its way to the executive mansion and to every department of this government. The inauguration of the Black Republicans into power is a revolution." The *Texas Republican* (Marshall) said: "The great question that is agitating the public mind of the South is, What shall be done if Lincoln is elected? The general sentiment in Texas, so far as we have been able to learn, is against submission to the Black Republican administration. . . . Such a submission, in our judgment, involves the loss of everything, and if consummated will end in the prostration of the Southern States." Former Lieutenant-Governor F. R. Lubbock said: "I am fixed in my opinion that if Mr. Lincoln is elected . . . noth-

ing but prompt, determined and efficient action . . . will save us from ruin and degradation. Those who counsel waiting or remaining in the Union until some overt act is committed . . . will find, when the time arrives, that through the great patronage [of the administration] . . . there will have been mustered into existence, in our own midst, a horde of unsound men of sufficient numbers in some localities of the South to bring on civil war and bloodshed among ourselves. These results I would avoid, and I believe secession is the remedy." Guy M. Bryan gave similar counsel: "I do not hesitate to say that if Lincoln should be inaugurated without new and efficient guarantees being given by the Northern States to the Southern States, in my opinion Texas could not with honor remain in the Union."

What were the "efficient guarantees" that the South demanded of the North? John H. Reagan summarized them in a letter to the public October 19th. He suggested that a general convention of southern states "should submit to the free states propositions requiring a renewal of the original guarantees of the constitution in favor of our rights in such specific form as to settle forever the question as to the extent and character of the rights of the slave states and the owners of slave property. One of the conditions should be that we would not continue our political connection with any state which would not repeal all its laws intended to hinder the recapture of fugitive slaves; another should be to demand an equal participation in the settlement and occupation of the common territory, and a safe guarantee for the admission of future slave states into the Union; another should be the suspension of the agitation of the question about abolishing slavery in the District of Columbia, the forts, docks, etc.; and another that the inter-state slave trade should not be interfered with by congress. If they would agree to these, we should remain in the Union and support and cherish it as heretofore." And in a speech in congress on January 15, 1861, Reagan said: "If there be a Southern State, or a Southern man even, who would demand, as a condition for remaining in the Union, anything beyond the clearly specified guarantees of the constitution of the United States as they are, I do not know it. I can speak for my own State . . . they have never dreamed of asking more than their constitutional rights. They are, however, unalterably determined never to submit to less than their constitutional rights."

These facts should be borne in mind. The attempt has been made continually to shift the whole responsibility for the war between the states upon the South, and in order to do this the enormity of secession, of attempting to break up the Union, has been dwelt upon and magnified. Attention needs to be given to the circumstances that led up to the secession, and to the small concessions by which it could have been avoided, as shown by such expressions as those of Congressman Reagan. However, such proposals were repulsed with scorn by the Republicans. And Senator Wigfall was correct perhaps when he said: "The proposition to settle the question by further amendments amount to nothing. . . . The North will not yield an inch. They will not give us what we are entitled to. They will not agree to leave us what we have. . . . The constitution as it stands could not be now ratified in a single Northern State, with our construction of it."

The right to secede needed no argument to sustain it in Texas. A considerable portion of her population had lived here when Texas was a nation. Of those who immigrated many were advocates of state rights. But granting this, and with abundant evidence to show that there was a popular desire to secede, there still remained the question, How was secession to be effected? A contributor to the *Texas Almanac* for 1862 states that there was no other state, except the border states, that had so many obstacles to contend with in the consummation of secession as Texas. "In the first place her population was made up of emigrants from nearly all nations, many of whom had not been here long enough to become acquainted with our peculiar form of government, or to become assimilated in their habits of thinking, or their customs; in addition to which they were spread over an extent of country almost equal in area to all the other cotton States. . . . The difficulties in the way of unity of action among a people so situated are obvious, and especially action in opposition to the existing government. But there was still another obstacle that no other of the seceded States had to contend with. We mean the opposition of the governor, who, in the absence of the legislature, controlled the State government, and without whose call it was not generally supposed that the legislature could convene in extra session. . . . Hence the governor was petitioned from all parts of the State to convene the legislature in order thereby to obtain a full and fair expression of the wishes of the people as to what measures should be adopted in the critical condition of the country. These petitions, though endorsed by nearly all the public journals of the State and by numerous meetings in all the old and more populous counties, and in many of the new ones, embracing about four-fifths of all the counties and at least nine-tenths of the voting population of Texas, had no avail with our Executive, who still refused to allow the people this customary method of declaring their sentiments. . . .

"The governor's refusal to call the representatives of the people together compelled them to have recourse to the extraordinary alternative of calling a convention without the aid of the government, and by their own spontaneous action. The difficulty of accomplishing this is obvious, for, as no one could claim any higher authority than another in such a movement, it seemed next to impossible to harmonize differences of opinion and bring about concert of action as to the time and place of holding a convention and the mode and manner of conducting the election. . . . Still the sentiment was well-nigh universal that some action was absolutely necessary for our common safety."

After various suggestions for a convention had been made, a call for the election of delegates was issued by a group of state officials at Austin. After some modification this call was numerously signed and widely circulated during the early part of December. It recommended the election of delegates on January 8th, fixed their number at twice the number of representatives in the legislature, and recommended that they meet at Austin on January 28th. It was pointed out that the constitution authorized neither the governor nor the legislature to call a convention. The time between the issuance of the call and the date of the election was so short that in many of the thinly settled frontier counties no elections were held. In the "exposition" of the proceedings of the seces-

sion convention the committee acknowledged that "the proceeding was extraordinary and returns were irregular and incomplete, of necessity, from such an election; but reliable information showed for secession over 32,000, more than half of the largest poll ever given at an election in this State. In opposition there were comparatively few votes."

When Governor Houston saw that a convention would be called over his head, he issued a proclamation on December 17th, convening the legislature in extra session on January 21st—one week prior to the date suggested for the meeting of the convention. It was charged that this move had for its object to checkmate the call for a convention; it probably did interfere with elections held in the counties where the governor had a strong following; but as regards the entire state it failed. With a great many people it was a point of honor that Texas should secede before Lincoln was inaugurated and thus avoid the necessity of submitting even for one day to Black Republican rule. They would not wait for the legislature to call the convention, as it might delay the assembling of that body too long. The example of South Carolina and the assumption that better terms could be had by first going out of the Union contributed their share of influence.

Five states had formally seceded when the legislature assembled. In his message Governor Houston presented a detailed account of Indian hostilities, and of the depleted condition of the state treasury. He denounced Black Republicans and their disregard for the constitution, but counseled against secession and urged deliberate and concerted action by the southern states. If the southern states should decline to act in concert, and if secession became inevitable, he wished Texas to remain independent, because she "has views of expansion not common to many of her sister States," and "although an empire within herself, she feels that there is an empire beyond essential to her security." If the legislature considered it best to call a convention he would not oppose it, but urged that whatever was done should be referred to the people for review.

The convention assembled in the hall of the house of representatives on January 28th, and organized by electing O. M. Roberts, an associate justice of the supreme court, president, and R. T. Brownrigg, secretary. The legislature on the same day adopted a joint resolution giving the assent of the government of the state to and approving the convention. This resolution provided that in case the convention deemed it necessary for the preservation of the rights and liberties of the state to adopt an ordinance of secession the same should be submitted to a vote of the qualified electors. Governor Houston approved the resolution, but protested against the assumption by the convention of any powers "beyond the reference of the question of a longer connection of Texas with the Union to the people."

Assured of the ready co-operation of the legislature, the convention at once proceeded to business and, during the short interval between January 28th and February 4th, adopted an ordinance of secession, provided by ordinance for submitting this to a vote of the people, drafted an address to the people setting forth the causes of secession, elected delegates to the convention of southern states at Montgomery, Alabama, and elected a committee on public safety to sit during the

recess of the convention. The committee on federal relations, on January 30th, reported "an ordinance to dissolve the union of the State of Texas with the government of the United States of America, and to resume all the powers delegated to that government and her position of equality among the nations of the earth." The ordinance was prefaced by these words: "The Federal government has failed to accomplish the purposes of the compact of union between these States in giving protection either to the persons of our people upon an exposed frontier or to the property of our citizens; and . . . the action of the Northern States of the Union, and the recent development in federal affairs, make evident that the power of the Federal government is sought to be made a weapon with which to strike down the interests and prosperity of the Southern people, instead of permitting it to be as it was intended our shield against outrage and aggression." The second section provided that the ordinance should be referred to the qualified voters on February 23d to be ratified or rejected, and if not rejected to become effective on March 2d, the anniversary of Texas independence. A minority of the committee favored striking out this section and making the ordinance effective immediately upon its passage, but this was rejected by a vote of one hundred and forty-five to twenty-nine. The convention thereby showed its confidence in the people of Texas.

The vote upon the ordinance of secession is described by the president of the convention in the following words: "Early on the morning of February 1 . . . the president had sent Mr. Joseph Smith, of Waco, a particular friend of General Houston, . . . to apprise the governor of the respect intended him by the appointment of a committee to conduct him to the convention, and if possible to induce him to come. General notice had been given that the vote would be taken at 12 o'clock M. There was an intense anxiety among the citizens of Austin and visitors to the city to be present. Special invitations had been sent to the members of the legislature, heads of departments, and to the judiciary. Long before the time designated for the vote, the lobby and gallery were completely filled with spectators, both ladies and gentlemen. Members of the senate and house of representatives, the heads of departments, and the judiciary came into the hall. Every nook and corner of the house was occupied. As seen from the Speaker's stand, the appearance of the whole house presented the spectacle of a splendid collection of faces, beaming with anxious expectation of the coming event. The committee which had been appointed to wait on Governor Houston now appeared at the entrance of the hall, and its chairman announced in a distinct voice, 'The governor of the State!' They then advanced with him towards the center of the hall amidst deafening applause. . . . The president, standing, addressed him, saying: 'The people of Texas, through their delegates in convention assembled, welcome the governor of the State into this body.' The applause was then renewed and continued without abatement until the governor had been conducted upon the stand and seated to the right of the president. In the same manner Lieutenant-Governor Edward Clark was conducted to a seat to the right of the governor. Chief Justice Wheeler was conducted to a seat on the stand to the right of the president. . . . Then, amidst perfect silence, the secretary of the convention read the

proposed ordinance of secession. Upon the completion of the reading the ayes and noes were called. The roll being called in alphabetical order, the delegates announced their votes, and a few of them arose and briefly gave the reason for their vote. The call of the roll being completed, and his estimate of the vote having been handed up by the secretary, the president announced the vote as one hundred and sixty-six ayes and eight noes, and declared the ordinance passed. After the tumultuous cheering which greeted the announcement had ceased, a number of ladies, preceded by George M. Flournoy, entered the hall, waving over their heads a beautiful 'Lone Star Flag.' The enthusiasm was now renewed, and the building resounded with cheer after cheer as the party proceeded to the center of the hall. . . . The flag being placed in full view at the stand, upon motion the body adjourned to the evening session, and all those in attendance with cheerful countenances and cordial greetings left the hall."

The convention provided by ordinance for submitting the ordinance of secession to a vote of the qualified electors on February 23d, and for duplicate returns to be made, at different times, to the secretary or president of the convention. The legislature also passed acts providing for submitting the ordinance of secession to a vote of the qualified electors on the same date and that returns be made to the secretary of state. Thus provision was made for two sets of returns and for two separate counts of the votes.

The "declaration of causes which impel the State of Texas to secede from the Federal Union" was prepared by a committee composed of John Henry Brown, George Flournoy, John A. Wilcox, Malcom D. Graham and A. P. Wiley. It concluded with an appeal to the voters to ratify the ordinance of secession on February 23d. President Roberts also prepared an address urging ratification of the ordinance. The leaders of the Union party issued an address opposing the adoption of the ordinance. It was signed by Senators M. D. Hart, I. A. Paschal, Emery Rains and J. W. Throckmorton, by Representatives M. L. Armstrong, Sam Bogart, L. B. Camp, William A. Ellett, B. H. Epperson, John Hancock, J. L. Haynes, J. E. Henry, T. H. Mundine, A. B. Norton, J. M. Owens, Sam J. Redgate, Robert H. Taylor and G. W. Whitmore, and following delegates to the convention: J. F. Johnson, W. H. Johnson, J. D. Rains, A. P. Shuford, L. H. Williams and G. W. Wright.

The delegates elected to the convention of southern states at Montgomery were sent "in order that the views and interests of the people of Texas may be consulted with reference to the constitution and provisional government that may be established by said convention." Since Texas had not completed her act of secession, the delegates were not permitted to vote, but otherwise were cordially received and "admitted to seats upon the floor of the congress and invited to freely and unreservedly participate in all the discussions of the body in both open and secret session." Louis T. Wigfall, John H. Reagan, John Hemphill, T. N. Waul, John Gregg, W. S. Oldham and William B. Ochiltree were the delegates.

Before adjournment on February 4th, the convention empowered the committee on public safety to continue in session during the recess, to meet at such places and perform such acts as the public safety required.

The committee was composed of twenty-one members and John C. Robertson was its chairman. The great task it was called on to perform was to free Texas from 2,800 United States soldiers stationed at various posts on the frontier, and to secure for the state such property of the United States as existed within its limits. To accomplish these objects the committee appointed (1) commissioners to San Antonio to bring about the surrender of the troops at department headquarters and to secure the public property, (2) a commissioner to the northwest frontier for similar purposes, (3) a commissioner to the lower Rio Grande valley for similar purposes, (4) a commissioner to procure funds for the committee, and (5) a commissioner to Louisiana to procure arms.

At the outset the committee called on Governor Houston and laid before him its plans. The governor agreed in the main with the necessity for such action, and gave assurances that the state authorities would throw no obstacles in their way. This assurance relieved the committee of much apprehension, for it was feared that the governor had plans of his own which might seriously interfere with those of the committee. Messrs. T. J. Devine, P. N. Lockett, S. A. Maverick and James H. Rogers were appointed commissioners to confer with General D. E. Twiggs, commanding the department of Texas, with regard to the public arms, munitions of war, etc., under his control and belonging to the government of the United States, with power to demand and receive them in the name of the state of Texas. Ben McCulloch was appointed military officer with instructions to execute the orders of the commissioners. The commissioners were strictly enjoined to avoid any collision with the Federal troops. If General Twiggs refused to surrender the public stores at present but promised to do so after the 2d March and agreed that everything under his command should remain in *statu quo* until that date, they were to acquiesce. Conferences with General Twiggs yielded no satisfactory results. While he was a southerner and hated Black Republicans, yet it appeared to the commissioners that he was too much inclined to look out for his own interests. Colonel McCulloch was, therefore, instructed to raise at once a force sufficient to overpower the troops stationed at San Antonio. During the night of February 16th Texan volunteers entered the city and occupied positions commanding the quarters of the United States troops. Thereupon General Twiggs promptly surrendered the post with all the public property at San Antonio, and agreed to evacuate Texas. The Federal troops were permitted to retain their side arms, camp and garrison equipage, and transportation facilities as far as the coast. The day following General Twiggs agreed to surrender at once all the military posts in Texas. The accomplishment of these important objects without bloodshed was an achievement that reflected great credit upon those to whom they had been entrusted.

The commissioners to the northwest frontier and to Rio Grande valley were but a few days behind those at San Antonio in requesting the surrender of the military posts in their sections. Each had regarded a display of a considerable military force as the surest means of discouraging resistance. For a time it appeared that a collision between the Texan and United States forces on the Rio Grande could not be avoided, but the delay occasioned by sending for reinforcements afforded

time for the receipt of General Twiggs' order directing the evacuation of all military posts in Texas. This order made it possible to secure without using force all the posts upon very nearly the same terms that the surrender at San Antonio had taken place. As the United States forces were withdrawn the Texan volunteers took their places to furnish protection to the frontier until more permanent arrangements could be made.

The various military movements conducted by the committee on public safety, just referred to, were made under the Lone Star flag. Wherever the stars and stripes were lowered this flag was hoisted in their place. After the passage of the ordinance of secession by the convention, "the Lone Star flag, the former emblem of our independence as a republic, was generally used all over the State in evidence of the almost universal desire to resume our State sovereignty. There were numbers in various parts of the State, embracing many of the early settlers, who took active measures to organize what was called Lone Star Associations, advocating the reestablishment of the Republic of Texas in opposition to annexation to the Southern Confederacy. . . . General Houston was understood to be in favor of attempting to maintain the separate independence of Texas in case of her secession from the old Union. However, the members of the party were so few that no general organization of it ever took place."¹

The adjourned session of the convention reassembled on Saturday, March 2d, but no quorum being present the vote on the ordinance of secession was not counted until Monday. The total returns to the convention showed 46,129 votes for secession and 14,697 against secession. On the same day the governor issued his proclamation declaring that the result of the vote as shown by the returns to the secretary of state was "a large majority . . . in favor of secession." The assertion has often been made that the election at which the ordinance of secession was adopted was carried by fraud or force and that enough Union men were kept from the polls through intimidation to determine the result. That such charges rest upon a very insecure basis will appear from the following comparison of election returns:

Vote for governor in 1857—Runnels, 32,552; Houston, 23,628. Total, 56,180.

Vote for governor in 1859—Runnels, 27,500; Houston, 36,257. Total, 63,757.

Vote for presidential electors in 1860—Breckinridge, 47,548; Bell, 15,463. Total, 63,011.

Vote on ordinance of secession in 1861—For, 46,129; against, 14,697. Total, 60,826.

Each of these elections aroused more than ordinary public interest and resulted in a full poll. The vote for Breckinridge and Bell was determined by issues so closely parallel to those presented by the ordinance of secession that the almost identical poll of the two is much more than a coincidence; it shows that sentiment in November, 1860, was almost the same as in February, 1861. The proportion of enlistments

¹ *Texas Almanac for 1862.*

from Texas in the Confederate service and in the Union service also go to confirm this view.

The committee to which had been referred the ordinance in relation to the union of the state of Texas with the Confederate States of America reported on March 5, recommending immediate action. The vote upon the ordinance showed one hundred and nine in favor of immediate union with the Confederacy and two against it. This act of the convention was second in importance only to the act of secession; it linked the fate of Texas with that of her sister states of the South. Anticipating that there would be criticism of the convention for not submitting the question of union to a vote of the people, the committee in its "exposition" stated at some length the reasons that determined such action. "Prompt action," they said, "of course, would justify the Confederate government in adopting more expensive, effective and permanent measures for the defense of this State, especially its desolated frontier, than could be expected before a finality. In connection with the defense of Texas, the appearance of uncertainty as to its political position would embarrass the pending arrangements for an alliance between the Confederacy, as one party, and the Choctaw, Chickasaw, Creek and Cherokee nations, in concert, as the other party. Such hesitation on the part of Texas would tend to produce similar hesitation in Arizona and New Mexico as to their connection with the Confederacy. Such procrastination would operate unfavorably on the neighboring government and people of Mexico, as to desirable negotiations and intercourse. Any appearance of doubt that Texas was to be sustained by connection with the Confederacy would stimulate marauding and incendiary efforts, while it would be fuel for faction. During such suspense the postal arrangements of Texas would be embarrassed and retarded, and so as to the judiciary and revenue. Delay would prostrate trade and commerce. A final connection with the Confederacy, without delay, would give to it additional strength, and promote early success in its negotiations as to peace with the old government—as to procurement of money—as to recognition by other nations—and as to commercial relations. Moreover, the prompt and permanent connection of Texas with the Confederacy could not fail to have a favorable influence on the border states, as inducement for them to abandon their equivocal positions and connect themselves with their more Southern sisters and natural associations."

The more important acts of the convention subsequent to union with the Confederacy are summarized in the "exposition" as follows: "Connection with the Confederacy caused a necessity for a change in the State constitution so that the oath of office should have 'The Confederate States of America' substituted for 'The United States of America.' One ordinance made this change, and another prescribed the times and modes of taking the oath by all present and future officers of the State, declaring a vacancy in case of any failure to take the oath as required. The manner of requirement followed the examples of other States, where willing officials were not captious. The lieutenant-governor, commissioner of general land office (who was opposed to secession), comptroller, state treasurer, attorney general, all of the supreme and district judges who were in Austin, every member of the State senate, every member of the house of representatives, except one, and many county officers who

were in Austin promptly took the oath prescribed by the amended constitution. Of those who thus took the oath a considerable number had opposed secession. But the governor and secretary of state declined to take the oath when notified according to the ordinance therefor. Thereupon the convention by another ordinance declared as consequences that each office was vacant and that the executive powers devolved on the lieutenant-governor." . . .

Having completed its labors about noon of the 25th March, the convention, in an orderly manner, adjourned *sine die*.

CHAPTER XXXIII

TEXAS IN THE WAR

Texas was not prepared for war. The people did not want war. However, they believed in the right of secession; and they denounced coercion in the strongest terms. The Legislature on February 1 passed a joint resolution in which it assured the states of the South that Texas would "make common cause with them in resisting, by all means and to the last extremity, such unconstitutional violence and tyrannical usurpation of power." It was to forestall coercion that the committee on public safety adopted prompt and energetic measures to rid Texas of the presence of the Federal soldiers before the ordinance of secession was voted upon. The ease with which this object was accomplished induced, perhaps, both the convention and the legislature to maintain a rather complacent view of the situation. In its "exposition" of the acts and motives of the convention the committee said, "It has not been deemed necessary to speak particularly of the question of peace or war. The Convention acted with a view to either alternative." As a matter of fact the convention did very little that can be credited to anticipation of war. It sent commissioners to the Choctaw, Chickasaw, Creek and Cherokee nations to bring them into an alliance with the Confederacy and provided for raising a regiment of one thousand mounted men to be enlisted for twelve months to protect the frontier. It despatched an agent to purchase one thousand Colt's revolvers and one thousand Morse rifles, notwithstanding requests for arms from volunteer companies and the experience of the committee on public safety showed clearly that a much larger number was needed. The arms obtained from the United States arsenal at San Antonio numbered ten thousand, but did not make up the deficiency.

The Legislature continued in session until April 9th, adjourning three days before Fort Sumter was fired upon. In a message on February 5, Governor Houston stated that on January 19, 1861, there existed a deficiency in the revenue of the state amounting to \$817,827.10. "The amount due Rangers alone for services rendered up to this period amounts to \$300,000." By April the deficit exceeded a million dollars. A law was passed providing for the organization of companies of forty men each to protect the frontier, and \$75,000 was appropriated for the frontier regiment created by the convention. The sum of \$225,000 was appropriated to pay the expenses incurred in frontier defense during 1860. Two loans were authorized: a twelve months loan of \$90,000, to pay the loan made by the committee on public safety, and a loan of \$1,000,000, payable in sixteen years, to provide funds with which to wipe out the existing deficit. Every effort to negotiate these loans failed. Nothing

was done to put the state in a proper condition for war. Governor Clark in his message of November 1, 1861, said in regard to this matter "the previous legislature did not have a full appreciation of the greatness of the conflict upon the threshold of which we then stood. We could all see the majestic and triumphant Confederacy of States down the vista of the non-distant future, but all did not realize a sense of the trial and struggle through which we were to pass. Hence it was that the honorable body to which I allude made no provision for the contest into which we are now plunged, and those things which have been accomplished have been done to a great extent without the sanction of positive legislation, and upon the responsibility of the Executive." It will be noted that Governor Clark did not convene the legislature in extra session to aid him.

News of the attack upon Fort Sumter reached Austin April 17th. To the non-partisan these tidings were awe inspiring. War in any case is a calamity, but war between people of the same blood is abhorrent to all the instincts of our nature. On the other hand, there were those who brought forth cannon and made the hills surrounding the capital city ring with the echoes that to their minds were to usher in a new era. Governor Clark at once adopted every measure at his command to place the state in a condition for defense. He appointed an adjutant general to have charge of the organization, equipment, and instruction of volunteer companies in every county of the state. The Federal soldiers, who had been stationed in Texas, were encamped near Indianola; it was reported that they would not be withdrawn but would maintain a foothold on the coast of Texas. The adjutant-general was instructed to cause their embarkation. Lieutenant-colonel John R. Baylor proceeded to occupy the posts west of San Antonio on the Rio Grande as far as the Messilla Valley in New Mexico; he took a large number of prisoners, who were paroled. Colonel Wm. C. Young raised a cavalry regiment for the protection of the Texas frontier along Red River. He captured Forts Arbuckle, Washita and Cobb, compelling the Federals to withdraw into Kansas, and secured the friendship of the Choctaws and Chickasaws.

The Governor caused to be secured for the state all the ammunition that was carried in stock by the merchants; but the quantity was small. He also caused the chief justices of the counties to make inquiry concerning the number of arms in the possession of private individuals. The result showed about forty thousand guns of every description in private hands. He gathered information in regard to the number of able-bodied men in the state, and concluded that there were "more than one hundred thousand." Brigadier-generals were appointed in the thirty-two districts of the state and required to organize the militia. "No practicable means," said he, "have been left untried to form into companies all the able bodied men of Texas. The people have been appealed to directly by the Executive and by many individuals appointed by him for that purpose to organize into companies of some character, get the best arms they could obtain and inform the authorities of the state of their localities and condition."

Being successful in ridding its own territory of the enemy, Texas contributed with unstinted hand to the support of the Confederacy.

On April 17th, Governor Clark received a requisition from the Secretary of War for three thousand men and on the 24th a requisition for an additional five thousand. Although these troops were to be infantry—a branch of the service most Texans thoroughly disliked—the call received a prompt response. Early in July, the Governor was called on for twenty companies to be sent to Virginia, to serve during the war. Thirty-two companies responded. They became famous as Hood's Texas Brigade. "One of the highest encomiums that can be bestowed upon the soldiers of that brigade," said O. M. Roberts, "is the fact that of the officers who commanded them in battle five were made brigadier-generals, two were made major-generals, and one a lieutenant-general."

In reviewing the situation, Governor Clark in his message November 1, 1861, said: "Not regarding all the difficulties which have impeded the action of the state, and looking only to those results which have been attained by the spontaneous action of the people we have reason for congratulation upon the past and for additional self-reliance in the future. Twenty thousand Texans are now battling for the rights of our new-born but gigantic government. They are waiting to win fresh laurels in heroic Old Virginia. They are ready to aid in lifting the yoke from Kentucky's prostrate neck and are marshalled in defense of the sovereignty of Missouri. They have covered with a brilliant glory the plains of New Mexico and are formed in a cordon of safety around the border of our own great state. If such positive results have sprung from the spontaneous action of the people, what may we hope will not be accomplished when the entire latent forces of the state are shaped into system and efficiency." * * *

An election for governor would be held in August, 1861. An effort was made to hold a state convention at Dallas in May, but so few counties sent delegates that no nominations were made. Governor Clark, F. R. Lubbock, former lieutenant-governor, and T. J. Chambers, chairman of the committee that drew up the ordinance of secession, were candidates. "I wished to be the executive head of Texas," said Lubbock, "that I might support the Confederacy and assist in the vigorous prosecution of the war." This was the main question before the people; each of the candidates was a supporter of the Confederacy. The result was a very close vote; Lubbock received 21,854 votes, Clark 21,730, and Chambers 13,759.

Francis Richard Lubbock has been called the war governor of Texas. He had been an ardent advocate of secession. As soon as he was assured of his election he proceeded to Richmond to confer with the president in order that he might better inform himself how as governor he could strengthen the power and insure the success of the Confederacy. He never wavered in his opinion of Davis and believed that he "was pre-eminently fitted for the high position to which he had been elevated." Governor Lubbock's term extended over the critical period of the war. During 1862 and 1863 the contest expanded with extraordinary rapidity and assumed enormous proportions. To have a man in the executive chair in so important a state as Texas, who was in hearty sympathy with the Confederate authorities, was of great importance. In view of the large disparity in the numerical strength of the contending parties, he

recognized the fact early that success depended on quick and decisive action. He urged the enlistment of every man capable of rendering military service. In his message to the extra session of the legislature, February 5, 1863, he reported that:

"From accurate data, Texas had furnished to the Confederate military service thirty-three regiments, thirteen battalions, two squadrons, six detached companies, and one legion of twelve companies of cavalry, nineteen regiments, two battalions, one detached company, and one legion of two battalions of infantry, and one regiment and twelve light batteries of artillery, thirty regiments of which (twenty-one cavalry and nine infantry) have been organized since the requisition of February 3, 1862, for fifteen regiments, being the quota required of Texas to make her quota equal to the quota from other states, making 62,000 men, which with the state troops in actual service, viz., 6,500 men, form an aggregate of 68,500 Texans in military service, constituting an excess of 4,773 more than her highest popular vote, which was 63,727. From the best information within reach of this Department, upon which to base an estimate of the men now remaining in the state between the ages of sixteen and sixty years, it is thought that the number will not exceed 27,000."

In his general message to the tenth legislature, November, 1863, the governor recapitulated the figures just quoted, and then continued, "Since that time there have been added one brigade and several regiments to the Confederate forces, and several light batteries, which with the state troops now mustered into Confederate service have swelled the total number of Texas troops who have taken the field to about 90,000 men, exceeding the highest popular vote ever cast by many thousands. In addition to this roll so glorious to Texas, I am proud to say that minute companies, composed of those not liable under the present laws to military duty, are daily forming with the determination to defend the state to the last extremity."

Texas was permitted to contribute such large numbers of soldiers for the protection of sister states on account of its favorable position, that made difficult an invasion by a large Federal army. "On our western frontier and on the north fronting Indian Territory there were no means of supplying a large army for a considerable distance before reaching well-settled portions of the state, and upon our Gulf coast the sand bars at the entrance of our ports were a protection against the entry of large vessels or gunboats. If war vessels should force an entrance to our ports, there were no large rivers nor long railroads that would enable the enemy to penetrate the interior of the country. Texas, therefore, needed only such military forces as could furnish protection against Indian depredations, and expel from our ports any portion of the enemy that might force an entrance into them."¹

There existed on the frontier of Texas what practically amounted to an Indian war when the state seceded. The United States troops had not been successful in putting an end to it. Texas had spent large sums in defense of her border settlers. Nominally the duty of protecting them now devolved upon the Confederacy, but Governor Lubbock frankly

¹ O. M. Roberts, in "Confederate Military History," XI, 65, 66.

excused it from this duty because it was itself engaged in a life and death struggle. In his inaugural he urged the legislature to make adequate provision for the protection of the frontier. Another regiment for protection against the Indians was authorized by act of December 21, 1861. It was expected that the Confederacy would assume the cost of maintaining these troops, but those expectations were disappointed. Their support was a heavy burden upon the state finances, but the fear that they would be removed if turned over to the Confederacy restrained even Governor Lubbock. "The frontier counties with their sparse population have nobly responded to the call of their country; they should be sustained. Unless protection be afforded them the frontier must recede and give way before the inroads of the Indians; for just so soon as you fail to keep up a system of defense in your outer counties will they press forward upon the interior, murdering and robbing." (Lubbock's message of February 5, 1863.) Besides the soldiers from the frontier in the field, whose families suffered, would desire to return to afford them protection and thus decrease the effective force of the Confederacy. This regiment had a line over five hundred miles in length to protect; arms and ammunition were very scarce; but the soldiers were experienced in such service. "I regret that for several months past the depredations upon the frontier have been very frequent. Murders have been committed and horses stolen."²

The absence of the husband in the army, where he was paid in depreciated currency or not paid at all, soon reduced many families to a condition of want. During 1862 the counties afforded such relief as was possible to them. Governor Lubbock urged upon the legislature at the called session in February, 1863, that an appropriation of state funds be made for their relief. This was done; \$600,000 was appropriated, and a joint resolution was adopted declaring that Texas stood pledged to its soldiers in the field to support their families. In November, 1863, the governor reported that this relief had been productive of much good and recommended its continuance. "The soldier battling for his country must feel the conviction that his family is well cared for; he will then stand by his colors to the bitter end." At the close of 1864 the number of dependents was estimated by Governor Murrah at 74,000. "The support of the family of the soldier," he said, "is as necessary as the support of the soldier. If his family suffers, he will suffer."

The blockade of the Gulf ports and the war operations to the north and east of Texas stopped trade, and the stocks of merchandise, etc., on hand gradually diminished with no opportunity to replenish them, "so that by the first of 1862 the people in most parts of the state set about providing themselves with the necessaries of life. From that time to the end of the war a person traveling past houses on the road could hear the sound of the spinning wheel and of the looms at which the women were at work to supply clothing for their families and for their husbands and sons in the army. Thus while the men were struggling valiantly with all their martial efforts in camp and in battle, the work of the women was no less heroic and patriotic in their homes. Nor was that kind of employment all; for many a wife or daughter of a

² Lubbock's message of November, 1863.

soldier went out on the farm and bravely did the work with plow and hoe to make provisions for herself and little children. Shops were established extensively to manufacture domestic implements. Wheat and other cereals were produced where practicable, in large quantities; hogs and cattle were raised more generally; and before the passage over the Mississippi was closed by the Federal gunboats, droves of beef-cattle and numerous wagon loads of bacon and flour were almost constantly passing across that river from Texas to feed the soldiers of the Confederate army. * * *

"An almost universally humane feeling inspired people of wealth as well as those in moderate circumstances to help the indigent families of soldiers in the field and the women who had lost their husbands and sons by sickness or in battle. There were numerous slave-holders who had only a few slaves, such as had been raised by themselves or by their parents as part of the family, and so regarded themselves. In the absence of the husband in the service, the wife * * * assumed the management of the farm and the control of the negroes on it. It was a subject of general remark that the negroes were more docile and manageable during the war than at any other period, and for this they deserve the lasting gratitude of their owners in the army. * * *

"At most of the towns there were posts established with officers for the collection of the tithes of farm products under an act of congress for the use of the army, and wagons were used continually for their transportation to different places where the soldiers were in service. In addition, wagons under private control were constantly running from Texas to Arkansas and to Louisiana loaded with clothing, hats and shoes, contributed by families for their relatives in the army in those states. Indeed, by this patriotic method the greater part of the Texas troops in those states were supplied with clothing of all kinds.

"Salt being a prime necessity for family use, salt works were established in eastern Texas in Cherokee and Smith counties, and at Grand Saline in Van Zandt county * * * In the west salt was furnished from the salt lakes. Iron works were established for making plows and cooking vessels near Jefferson, Rusk and Austin. * * * At jug factories in Rusk and Henderson counties were made rude earthenware dishes, plates, cups. * * * At other shops wagons were made and repaired, and in small domestic factories chairs, tables and other furniture was made. Shoe-shops and tailor shops were kept busy all over the country. Substitutes for sugar and coffee were partially adopted, but without much success. * * *

"The penitentiary at Huntsville, under the control of the state government, was busied in manufacturing cotton and woolen cloth, and made each year over a million and a half yards of cloth, which under the direction of the government was distributed first to supply the soldiers in the army, second, to the soldiers' families and their actual consumers. * * *"³

A military board, composed of the governor, comptroller and treasurer, was established by act of January 11, 1862. It imported from Europe over 40,000 pairs of cotton and wool cards, which were dis-

³ O. M. Roberts, in "Confederate Military History," XI, 112-118 *passim*.

tributed to families in Texas for home use at cost. Through its agents it purchased cotton which was exported to Mexico, the proceeds used to buy arms, munitions of war, machinery, etc. The board established a gun factory and a cap factory at Austin and encouraged the establishment of other factories. It also made contracts with private persons whereby they were permitted to transport cotton to Mexico in return for stipulated benefits to be rendered to the board for the state. The amounts received and disbursed by the board were estimated at \$2,000,000.

No attempt was made to hold a state convention in 1863. Governor Lubbock declined to seek re-election. Pendleton Murrah and T. J. Chambers were candidates; both were supporters of the Confederacy. Owing to the absence of so many Texans in the field, the vote was very small; Murrah received 17,511 votes, Chambers 12,455, and 1,070 were scattering. Early in 1864 Lubbock traveled across the country from Houston to Shreveport. "The country along the roads," he said, "wore an air of desolation. Old men, boys, women, children, and a few cripples were occasionally met with, but no able-bodied men." The buoyant and hopeful spirit that prevailed among the people during the first two years of the war, as well as the resources of the country, were about exhausted. The military authorities had constantly encroached upon the powers of government; the civil authorities were respected in so far as they contributed to the success of the war. Governor Murrah had been schooled in the doctrine of state rights; he was a lawyer by profession. Although ready to aid the Confederacy, he was mindful of his oath of office and deemed it his duty to resist the encroachments upon the rights of the state by the military and by acts of the Confederacy. Confusion resulted from these differences, which added to the hardships of an exposed frontier and was seized upon by certain lawless elements to commit robberies and outrages in other sections. "Governor Murrah's administration covered the last sixteen months of the Confederacy, when the clouds of disaster were hovering over the country. Suffering from consumption (of which he died in 1865) and impoverished as the country was, it was not in his power or that of any human agency to meet and fulfill the desires of the public mind."⁴

"The total net expenditures [of Texas during the war] amounted to \$4,863,790, of which probably not less than \$3,591,075 were of a military character. Receipts were mainly in depreciated Confederate notes and state treasury warrants and amounted net to \$8,149,913. Approximately forty per cent. of receipts was from taxes, eight per cent. from the sale of bonds, thirty-eight per cent. from the sale of products manufactured at the penitentiary, and fourteen per cent. from miscellaneous sources. The ad valorem rate of the state tax was one-half of one per cent. in 1863 and 1864, but the arrearages of this tax were large. The innovations in taxation were a tax on occupations on the basis of gross receipts and a tax on salaries and professional incomes. The laws levying these taxes were laxly drawn, were evaded and except during the last year of the war produced little. Taxes collected in the state on account of the Confederate government amounted to \$26,904 in specie and \$37,459,950 in Confederate notes.

⁴ Brown, "History of Texas," II, 423.

Confederate and state taxation together, therefore, constituted a heavy burden.

"On October 30, 1865, the public debt [of Texas] was estimated at \$7,989,897. Of this amount \$981,140 was funded, \$2,208,047 was in the form of outstanding treasury warrants and cotton certificates, \$1,455,914 was due the school and other special funds for loans and for evidences of state debt held by them, \$3,150,000 was estimated as due to soldiers and for supplies, and the balance was miscellaneous. The cash balance at the close of the war was \$3,368,510, but of this amount only \$15,397 was specie. The remainder was valueless Confederate notes and state paper. In addition to the above balance there was in the hands of the Military Board \$129,975 in United States bonds and interest coupons."⁵

In this brief survey of the history of Texas during the war little need be said of the military operations within its borders. There were a number of minor engagements and a few brilliant fights like the recapture of Galveston and the defense of Sabine Pass. But Texas lay outside of the path of the terrific storm that laid waste her sister states. While it was necessary to keep sufficient troops at home to meet any emergency, the enemy never appeared in great numbers and no decisive battles were fought. "Yet those who endured the privations of the camp and the march, without being in battle, rendered good service by being part of the state guard, armed and equipped, and ready to resist any aggression of the enemy. Such readiness, with the force at command, secured our protection."⁶

"In taking a survey of the operations of the Texas troops in the numerous battles in which they engaged in Louisiana, Mississippi, Arkansas, Missouri, Kentucky, Tennessee and Virginia, the large number of promotions for meritorious conduct in them will attract attention as a remarkable result. Major John Henry Brown, who was an officer in the army from nearly the first to the last * * * reported that of Texans in the army, one became a general, Albert Sidney Johnston, the highest rank; one a lieutenant-general, John B. Hood; three major-generals, Samuel B. Maxey, John A. Wharton and Thomas Green; thirty-two brigadier-generals, ninety-seven colonels and fifteen commanders of battalions. Nearly all of those officers attained the ranks mentioned from lower ranks by their valor in battle.

"The officers are representatives of the soldiers commanded by them, who are too numerous to be separately named in the history of a great war. What, then, is to be said generally of the Texas soldiers? It is not proper to state that they have been more distinguished in battles than their brother soldiers of the other states. It is enough to assert that they have stood equal to the most distinguished in every battle where they fired a gun or made a charge. A common spirit of chivalric valor inspired them as soldiers of Texas * * * Whoever led them in two or three hard fought battles secured promotion, so that the advancement of their commanders was a public compliment to the Texas soldiers' prowess in arms."⁷

⁵ E. T. Miller, in "The South in the Building of the Nation," V, 538-39.

⁶ Roberts, in "Confederate Military History," XI, 68.

⁷ Roberts, *Ibid.*, 142, 144-45.

Although secession carried by a large majority in Texas, there were many who favored the Union—some of them men of great influence like Sam Houston, E. M. Pease, John Hancock, A. J. Hamilton, J. W. Throckmorton and E. J. Davis. When war was declared most of the Union men voluntarily gave their allegiance to Texas. Those who wavered were either coerced or obliged to leave the state. Those who attempted to remain, with some exceptions, were exposed to the malice of their enemies, and some who attempted to emigrate were waylaid and slain. "The official records * * * show that there were 1,920, claiming to be from Texas, enrolled in the Federal army during the war. They constituted two regiments, whose service was confined to Louisiana. Of one Edmund J. Davis was colonel; of the other John L. Haynes was colonel. They were organized at or near Matamoras * * * proceeded by water to New Orleans, and thence to the army of Louisiana. On several occasions they met the Texas Confederates in battle, and there is abundant evidence that they were good soldiers. Colonel Davis was promoted to brigadier-general."⁸

Within six weeks after the surrender of General Lee, Texas and those parts of the adjoining states which had successfully resisted invasion throughout the war, "presented a scene of universal disorder and confusion * * * and that, too, without the advance of a single Federal soldier." Soldiers who had given proof of their obedience and courage during the hardships and privations of several winters in camp and on numerous battlefields, now refused to heed the patriotic appeals as well as the orders of their officers. Seeing that success for the cause in which they had enlisted was utterly hopeless, they lost their fighting spirit, became difficult to manage, and were no longer dependable. Having received no pay for months they demanded a division of the Confederate property before setting out for their homes. Confusion ensued. Confederate property was seized wherever found, and state property in some instances was also taken. The country swarmed with men out of funds and out of employment. The civil authorities were helpless to deal with the situation that confronted them. Lawlessness began to increase, for jayhawkers, guerrillas and highwaymen used the opportunity to gratify their desires. An attempt to rob the penitentiary at Huntsville was made, and the State Treasury at Austin was looted.

On June 2 General E. Kirby Smith went on board a war ship at Galveston and formally signed the terms of the surrender of the Trans-Mississippi Department. With this act the last vestige of Confederate military authority vanished. "Wild rumors were afloat of dire punishments to be inflicted upon prominent rebels by the victorious Yankees. Trials for treason before military commissions and wholesale confiscation of property were to be expected. A sort of panic seized upon many of those who had held office under the Confederacy. Others declared they could not live under the odious rule of their enemies and prepared to emigrate. A lively exodus to Mexico ensued. Among those to go were the highest officials in the state, Generals Smith and Magruder and Governors Clark and Murrah."⁹

⁸ Brown, "History of Texas," II, 441-42.

⁹ C. W. Ramsdell, in *Texas Historical Quarterly*, XI, 209-10.

CHAPTER XXXIV

RECONSTRUCTION ¹

The exodus of the principal State and Confederate officials in May 1865 left Texas without a government. Several weeks elapsed before Federal troops arrived. This interregnum did not improve conditions. General Sheridan was appointed to command the Military Division of the Southwest, with headquarters at New Orleans. On June 10 he ordered General Gordon Granger with eighteen hundred men to Galveston. The troops were detailed to occupy various points on the coast and in the interior, but their number was far from sufficient to give protection to the frontier or to restore order out of the general confusion that existed. Immediately after arriving at Galveston, General Granger, on June 19, by proclamation declared the slaves to be free, all laws enacted since secession to be illegal, called upon all Confederate officers and soldiers to repair to certain points to be paroled, and instructed all who had in their possession State or Confederate property to turn it over to officers of the United States.

On May 29 President Johnson issued a proclamation granting amnesty, with certain exceptions, to persons who had been engaged in the war, on condition of their taking a prescribed oath, and on June 17 he appointed A. J. Hamilton provisional governor of Texas. Hamilton was a native of Alabama who had emigrated to Texas in 1847 and had occupied several high offices before the war. A staunch Union man, he was obliged to abandon Texas in 1862. His appointment was acceptable to Union men, but was received with misgivings by some of the Confederates. He had instructions at the earliest practicable period to prescribe rules and regulations for holding a convention, and to assist in the restoration of civil government, and the reestablishment of the constitutional relations between the state and the nation.

Governor Hamilton landed at Galveston in July. In a proclamation issued at that place on the 25th, he outlined his policy and invited loyal men from every part of the state to visit him at the capital and confer with him upon the condition of the state. Deputations from many counties responded, and the governor as rapidly as possible filled all vacancies in county, district and state offices by provisional appointments. The courts were directed to proceed under the laws existing prior to 1861, except those relating to negroes. There were some complaints from loyalists, but in general the governor's policy was satisfactory to the people. On August 19 he issued a proclamation pro-

¹ This chapter is based upon Dr. Charles W. Ramsdell's excellent volume on "Reconstruction in Texas."

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viding for the registration of voters. The oath of amnesty was to be administered to all who applied, both to those who sought registration as voters and to those, who being within the exceptions to the general amnesty, took it as a preliminary step toward special pardon. Separate rolls were to be kept of those two classes. Registration progressed very slowly.

With the restoration of peace came the return of the Union refugees. Some of them were very bitter toward the Confederates. They made no secret of their opinions that no one should hold office except Union men, and associations were formed to promote their plans. They asserted that if the Confederates were given a share in the government it would not be long before they would control it. Texas was a frontier State; even during times of peace the general order suffered through the presence of many turbulent characters. The confusion following the break up of the war afforded an opportunity for these lawless individuals to rob and murder. Confederates, Union men and negroes suffered indiscriminately, yet for political reasons these acts in numerous instances were attributed to the spirit of disloyalty of the Confederates and furnished the political thunder for the radicals in Congress, who opposed the president's policy of reconstruction.

On November 15 Governor Hamilton ordered an election of delegates for January 8, 1866, to a convention to meet at Austin on February 7th. The number and distribution of the delegates corresponded to that of the house of representatives in 1860. The campaign that followed aroused little interest, although there was some discussion of the subjects to come before the convention. The vote was light, and not till after the convention assembled was it possible to ascertain the character of its component elements. There were Unionists like I. A. Paschal, E. Degener, John Hancock, J. W. Throckmorton, E. J. Davis and J. W. Flanagan, former secessionists like O. M. Roberts, H. R. Runnels, John Ireland, D. C. Giddings, J. W. Henderson and T. N. Waul, and enough conservatives to hold the balance of power. Throckmorton was elected president of the convention. He was an original Union man, but had served the Confederacy on the Indian frontier of Texas. In his address to the convention upon accepting the presidency he said. "Let us by our action strengthen the hands of the executive of the nation, and by a ready and willing compliance with his suggestions show our national brethren that we are in good faith disposed to renew our allegiance to the general government." These sentiments were shared by the great body of the people of Texas.

Governor Hamilton sent a message to the convention in which he briefly outlined the work before it and expressed the hope that the mistakes made by the conventions of some of the other Southern states would be avoided. It would be necessary to make such changes in the constitution of Texas as would make it conform in spirit and in principle to the actual changes wrought by the war. First, the convention should make a clear and specific denial of the right of secession. Second, it should signify its acquiescence in the abolition of slavery. Third, the debt incurred in support of the war should be repudiated. Finally, it would be necessary to determine the civil and political status of the freedmen. He said that he did not believe that the mass of freedmen were qualified by their intelligence to vote, yet he deemed it wise to reg-

ulate the qualifications of all who are to become voters hereafter by rules of universal application; for any system of laws intended to deprive freedmen of the actual fruits of liberty would meet with the resistance of congress. Governor Hamilton's residence in the North until the close of the war had enabled him better to understand the determination of the Northern people in regard to what political and civil rights should be granted the negro than did the members of the convention or the people of the state, as subsequent events illustrated.

A vigorous contest resulted over the adoption of an ordinance dealing with the right of secession. The Union men were determined to declare the act of secession "null and void, *ab initio*." The ex-Confederates with equal determination opposed a measure that would brand them as traitors. They were joined by a sufficient number of conservatives to pass an ordinance which declared the act of secession null and void without direct reference to its initial status, and distinctly renounced the right previously claimed by Texas to secede from the Union. The radical Union men declared that such a measure would never satisfy the North, and for a time threatened to withdraw from the convention.

The question of the public debt also presented difficulties. There was no hesitation in repudiating the war debt, but the ordinance adopted repudiated also the entire civil debt incurred between January 28, 1861, and August 5, 1865. Some of the newspapers bitterly denounced the repudiation of the civil debt, pointing out that the debt had been incurred for purely civil service and in defence of the Indian frontier, that it was not demanded by the Federal government and that the other states of the South that had suffered worse during the war than had Texas had not resorted to such extremes.

The most important subject before the convention, however, was the legislation dealing with the negro. There was practical unanimity in regard to the abolition of slavery. It was agreed that the negro should be secure in person and property. There was considerable debate over the question of negro testimony in the courts. They were at once placed on an equality with whites in cases where the crime was against the property or person of one of their own race, and the legislature was authorized to regulate their testimony in other cases. The idea of negro suffrage found little favor on any side. Governor Hamilton's recommendations upon this subject were not followed.

The convention declared valid all laws and parts of laws passed since February 1, 1861, which were not in conflict with the constitution and laws of the United States, or those of Texas in effect prior to that date. All acts of the secession convention were annulled. The acts of the provisional government were declared valid. The constitution of 1845, as in force on the 28th of January, 1861, was amended by lengthening the terms of most state officers to four years and increasing their salaries. Some changes were made in the form and jurisdiction of the courts with a view to greater efficiency. The governor was requested to petition the president for more adequate frontier protection. An ordinance relating to the division of Texas also passed.

During the session of the convention two parties, radical and conservative, had gradually formed. The acts of the convention were looked upon as being chiefly the work of the conservatives, and were conse-

quently attacked by the radical newspapers. Before the convention adjourned each party began to prepare for the election in June. Caucuses were held and candidates nominated. The radicals chose E. M. Pease as their standard bearer and published a platform in which they called upon all men who love the Union "without respect to past differences" to unite in the following declaration of principles: That the act of secession was null and void *ab initio*; that no part of the Confederate war debt be paid, but the debt of the United States should be paid in full; that they have full confidence in the president and congress; and that they were ready to accord the negro all rights and privileges that were then or might thereafter be secured them by law. They feared that there were still many in Texas "who propose to pursue such a course in the future as will justify what has been done in the past."

The "conservative Union men" of the state selected J. W. Throckmorton for their candidate, and gave expression to their views in a letter tendering him their support: it was opposition to the radicalism of the day; opposition to negro suffrage and the hasty elevation of the freedmen to political equality; faith in the people of Texas, their loyalty to the general government and their endorsement of President Johnson and his policy of restoration. Attention was called to "the radical branch of the Republican party of the North who closed the door of Congress against Southern representatives, who have declared their intention to reduce us to a condition of territorial vassalage and to place us below the level of those who were once our slaves," and it was asserted that this party had adherents in Texas who were "determined to aid and abet Stevens, Sumner and Phillips in their opposition to the policy of the president, in their raids against constitutional liberty."

From the outset the campaign was bitter. It aroused the people from the general apathetic condition into which they had fallen. The conservatives defended the acts of the convention and supported the policy of President Johnson. The radicals asserted that their opponents were seeking to obtain control of the state government and to work themselves once more into control of the national government in order thus to perpetuate the principles overthrown in the recent war. Denouncing the president's policy, they put themselves secretly into communication with the radicals in congress and urged prolonging the period of provisional government. They were overwhelmingly defeated; Throckmorton received 49,277 votes and Pease 12,168.

The eleventh legislature assembled August 6th. Throckmorton was inaugurated on the 9th. The military in the state received orders to render the same aid to the newly installed authorities as had been afforded to the provisional government. And on August 20th President Johnson issued a proclamation declaring that the insurrection in Texas was at an end, and that peace, order, tranquility and civil authority existed throughout the whole of the United States.

The joint resolutions of congress proposing the 13th and 14th amendments to the constitution were submitted to the legislature. Since the former had already been adopted by the number of states required to make it law, and since the convention of Texas had acknowledged the supremacy of the constitution, action upon it was deemed unnecessary. As regards the 14th amendment, Governor Throckmorton expressed

his unqualified disapproval of it and recommended its rejection. It was rejected.

The most important legislation to be enacted was that dealing with freedmen and labor. Laws were passed on the subjects of apprenticeship, vagrancy, labor contracts and the enticing away of laborers; and although no apparent distinction was made in their application as to whites and blacks, it is clear enough that they were intended solely for the regulation of negroes and negro labor. Texas had now passed through a second crop season, and despite the efforts of the Freedmen's Bureau to keep the negroes at work, great losses were sustained because the negroes would not work or quit their employers when they were most needed. The freedmen were granted all rights not prohibited by the constitution, except intermarriage with whites, voting, holding public office, serving on juries, and testifying in cases in which negroes were not concerned.

One of the first acts of the legislature was to elect O. M. Roberts and David G. Burnet United States senators, and to provide for the election of congressmen. When the senators and congressmen from Texas arrived at Washington, they found Hamilton, Pease and other radicals in conference with the opponents of the president in congress and working to defeat the recognition of the new state government. The Texas delegates were denied their seats. On January 10, 1867, they issued an "Address to the Congress and People of the United States" which forms one of the notable documents of that period. In it they set forth with great clearness the arbitrary and unwarranted action of congress in excluding the representatives of Texas. The perfidy involved in the plan of the radicals for setting aside the state governments in the South was exposed and pointed out to be more revolutionary in principle and more dangerous to republican government than secession itself.

The administration of Governor Throckmorton was hampered on all sides by the open hostility of the radicals, the suspicion of the military officials and the thinly veiled antagonism of the old secession wing of his own party. He showed his character as a man and ability as an officer by accomplishing a large measure of success, by pursuing a steadfast policy toward restoring order, inculcating respect for law, and thus eliminating interference on the part of the military.

Thus far the radicals in Texas had failed to establish their ascendancy. The radicals in congress, on the other hand, were successful in the fall elections of 1866. Their influence was soon to be felt in the South. The work of reconstruction, which had been completed in each of the Southern States in accordance with the President's plan, was set aside, because "adequate protection for life or property" did not exist. A new and more drastic plan was prepared by congress and embodied in the acts of March 2 and 23, 1867. The first act divided the South into military districts; Texas and Louisiana formed the fifth. The military commander in charge of each district was clothed with almost dictatorial power. The existing state governments were made provisional only. The right to vote should be governed by the provisions of the 14th amendment which had not yet been adopted. The second act directed that the military commander of each district should

cause a registration to be made of the qualified voters in each county, and that each person so registering should take an oath that he was not disqualified by law. At some subsequent date to be designated by the military commander the voters should vote for or against holding a convention and to choose delegates to the same. This convention should meet at a place and time fixed by the military commander and its acts were to be submitted to the people for ratification. If ratified and approved by congress, the state should be declared entitled to representation. These acts were passed at a time when the organization of the state government was as complete as it ever was before the war, in full harmony with the constitution and laws of the United States, and commanding the respect, confidence and obedience of the great body of the people. The laws of the United States were being executed within the limits of Texas without hindrance or resistance from the people or state authorities. The Federal army was on the frontier for protection; the Federal judiciary was performing its functions; the United States mails were being carried all over the state; the navy was protecting Texan commerce; the officers of customs and internal revenue were doing their duty; and the people were paying taxes as in other states. (Address to the Congress and People of the United States.)

What were the motives for such extraordinary legislation? "The purpose and effect of these two acts was to paralyze the state governments that had been restored since the war, to place the whole South under potential martial law, to disfranchise the leading whites, and to enfranchise the blacks. It was expected by the framers and advocates of these measures that the negroes and their white radical friends would control the states, thereby ensuring 'loyal' governments." While the people of the South acknowledged their defeat in a military sense, they could not consent to submit without a contest to this effort of Northern radicals to control them in a political sense. To them it was a challenge to fight, and for the next six or seven years there was waged a political war in Texas which for bitterness has never been excelled.

On March 19, General Sheridan was made commander of the Fifth Military District with headquarters at New Orleans, and General Charles Griffin was made commander of the District of Texas, with headquarters at Galveston. Both these men approached their task with the prejudices of the radicals; Sheridan entertained a hearty dislike for the people of Texas. Only a high sense of duty restrained Governor Throckmorton from resigning at once after such a radical change in the policy to be carried out in Texas. He struggled on manfully in an effort to administer the government in the interest of the people of Texas and to the satisfaction of the military; but the undertaking was foredoomed to failure. As early as March 28th General Griffin wrote to Sheridan that none of the civil officers of Texas could be trusted, that they submitted to the laws because they could not do otherwise, that secretly they regarded them oppressive and unjust and, therefore, favored carrying them out in the spirit and not the letter. He charged that the governor had allowed outrages upon loyal whites and blacks to go unpunished, and advised that his removal was absolutely necessary. On April 15th General Griffin issued an order in regard to the quali-

fications of jurors in civil courts which practically disqualified every white man, and thus suspended the operation of these courts. The order was justified by General Griffin as being "an attempt to open the courts of Texas to loyal jurors for the protection of all good citizens."

For the registration of voters the state was divided into fifteen districts, comprising from six to eleven counties each; and over each district were placed two supervisors. In each sub-district, usually a county, was a board of three registrars. Negroes as well as whites were appointed on these boards. The negroes were eager to register, while the white conservatives rather held back. The indications were that the radicals and negroes would easily command a majority. The governor and the conservative press urged upon all white voters their duty to register.

The provision for the registration of negroes as voters was the signal for active organization in the radical camp for the purpose of bringing the freedmen into line and teaching them their duties and obligations to the party that had done so much for them. Union Leagues were formed wherever there were negroes to vote and "loyalists" to lead them. On July 4, 1867, a convention of "the loyal men of Texas, without distinction of race or color," met at Houston and declared that they "recognized the National Republican Party as the means under Providence of saving our country and government from the calamity of successful rebellion," and that they would now take their place in its ranks. They declared their hearty support of the reconstruction acts of March 2d and 23d; thanked Generals Sheridan and Griffin for extending protection to the lives and property of the people of Texas; declared that they were not inclined "to conciliate the enemies of the national government," and expressed it as their opinion that "the continuance in the civil offices of the state of those who actively participated in the late rebellion, and who are hostile to the reconstruction acts passed by congress, * * * constituted an impediment to the execution of those acts in their true spirit and intent." On July 19, congress passed an act clothing the military commanders with full power to remove and appoint officials at will. On July 30 Sheridan issued an order removing Governor Throckmorton, alleging that he was an "impediment to the reconstruction" of Texas.

Seemingly the radicals or Republicans had now succeeded in removing the last obstacle to their plans in Texas. E. M. Pease, who was chairman of the recent convention at Houston, was appointed governor. Changes in the other state officials and in the district and county officers followed. The prime consideration appeared to be to get men who were heartily in sympathy with the reconstruction acts of congress.

It was very fortunate for Texas that E. M. Pease was appointed governor at this crisis. He had been a resident of the state since 1835, served two terms as governor, and was a man of strong character and unquestioned honesty. He possessed the confidence of the commanding general, was supported by many of the more conservative of the Republicans, and was careful in his recommendations for office. He followed the course of Governor Hamilton in assuming that all state laws not in contravention of the constitution and laws of the United

States, and not specifically annulled by the military commander, were in force. The ultra-radicals, who had championed the *ab initio* view of secession, took exception to this view and under the leadership of M. C. Hamilton appealed to the military commander to sustain their contention. General Mower, who had succeeded Sheridan, however, supported the view of Governor Pease, and the latter was ably seconded by A. J. Hamilton, associate justice of the state supreme court.

A more important check to radical rule was the removal of General Sheridan and the appointment of General W. S. Hancock. Hancock was a Democrat, a warm supporter of the President and thoroughly disliked the program of the radicals. He believed that the white people of the South should carry through the process of reconstruction with as little interference on the part of the military as possible, and felt confident that the civil authorities were competent to deal with the situation. On November 29, 1867, he embodied these views in "General Order No. 40." In effect this order was a recognition of the existence of "adequate protection for life and property." Fearing the withdrawal of military support, and knowing that it would mean the defeat of their plans, the radicals charged that the course of the commander tended to the increase of crime and a manifestation of hostile feeling toward the government. General Hancock demanded proof of these assertions, and showed up the purely factional character of the charge. But this did not disqualify the general as an object of violent denunciation, and there was no way for him to challenge the misstatements of the radical press either in Texas or in the North.

The conservative leaders requested General Hancock to set aside the registration in Texas because of alleged errors of the board of registrars. This he refused, nor did he order any change in the boards, but he did set aside the interpretation given by General Sheridan to the disqualifying clauses of the reconstruction acts and directed the boards to be governed by the laws alone. On December 18 he ordered an election to be held at each county seat, February 10 to 14, 1868, to determine whether a constitutional convention should be held and to select delegates to the same; and in accordance with the law he also ordered that the registry lists should be reopened and revised during the last five days of January. Voters who had neglected to register in the previous summer were thus given a last opportunity to do so. The total registration aggregated 109,130; the number of whites approximated very closely to the vote polled for Throckmorton and Pease in 1866; the number of negroes was excessive.

The leaders of the conservatives were undecided as to the course their party should pursue. There was a general disposition among their followers not to vote, for unless a majority of the registered vote was cast no convention would be held. A conference was held at Houston, January 20th. Resolutions were adopted which appealed to all who opposed the Africanization of Texas to go to the polls and to vote against a convention and for delegates who opposed negro suffrage. In a public address it was pointed out that under the terms of the reconstruction acts the people had three chances to save themselves and their children from African domination; first, by voting solidly against a convention; second, by voting only for delegates who opposed negro

suffrage; and third, by rejecting the constitution if it embodied negro suffrage. Military rule was much to be preferred to reconstruction that was conditioned upon negro suffrage. The result of the election showed an overwhelming victory for the radicals; for the convention, 44,689 votes (7,757 whites, 36,932 blacks); against the convention; 11,440 votes (10,622 whites, 818 blacks). Almost half of the registered voters, 52,964 (41,234 whites, 11,730 blacks), failed to vote.

The convention assembled at Austin on June 1, 1868. Of the ninety delegates only twelve were conservatives. The radicals had elected a number of their prominent men. Nearly all were *bona fide* residents of Texas; only six or eight were of the true carpet-bag variety, and none of these became leaders. There were nine negro delegates. The general character of the convention was shown in the election of E. J. Davis as president by a vote of 45 to 33 over Judge C. Caldwell, a moderate.

The purpose of the convention was similar to that of its predecessor in 1866. That body was in session fifty-five days and spent \$70,000. It soon became apparent, however, that its lawful functions were by no means regarded as the most important duties of the present convention. The delegates endeavored to so shape affairs that the supremacy of the Republican party would be ensured when readmission was accomplished. These motives colored many of its acts and lent importance to the dissensions that characterized the proceedings. Before it finally adjourned it had been in session five months and had spent \$200,000.

Among the first acts of the convention was the appointment of a committee to report on the conditions of lawlessness and violence in the state. A resolution was adopted requesting congress to allow the convention to organize a militia force in each county to act in conjunction with and under the direction of the military commander. Some of the conservatives protested against the resolution on the ground that the rumors of lawlessness were greatly exaggerated, that such a force was unnecessary and that its employment by "a political party would only tend to exasperate the public mind and in all probability have the effect to produce conflicts of races." The committee's report represented that lawlessness prevailed to an alarming extent in this state, and that its chief cause was discovered in "the hostility entertained by the ex-rebels toward loyal men of both races." The large proportion of negroes among the killed was pointed to as indisputable proof of this assertion. That the pernicious activity of the Loyal League and the political war waged upon Democrats were responsible for many of the excesses complained of was not indicated. Another committee was at once despatched to Washington to lay the report before congress and to urge the necessity of filling all state provisional offices with loyal men, and the organization of a loyal militia to aid the loyal officers in the discharge of their duties. The *Houston Telegraph* so severely denounced the sinister objects of these proceedings that the convention requested the editor's arrest.

Much time was wasted on the question of dividing the state. The radicals were particularly bent on accomplishing this measure, and finally secured the adoption of a resolution that provided for the election of six commissioners to urge the matter upon congress. Although outvoted on this question, the moderates carried their opposition before congress also. These efforts to dismember Texas gave rise to a counter-movement

which expressed itself in the organization of the Texas Veterans Association in May, 1873, to preserve the unity of Texas.

A breach in the ranks of the delegates occurred early over the *ab initio* question. The radicals maintained that every ordinance, act, resolution, etc., enacted since Texas seceded was null and void *ab initio*. The moderates refused to subscribe to so sweeping a statement and determined to except such acts, resolutions, etc., passed since secession, "which were not in violation of the constitution and laws of the United States, or in aid of the rebellion." Their views prevailed.

This division of the Republicans continued during the whole term of the convention, and since the radicals were usually in the minority it saved the people of Texas at the most critical period from the worst extremes of radicalism. In his message to the convention Governor Pease conceded the necessity of disfranchising a sufficient number of the secessionists to ensure the supremacy of loyal men. When the convention reached this question, A. J. Hamilton, leader of the moderates, set himself squarely against all efforts to disfranchise Confederates further than was already done by the fourteenth amendment. Despite the efforts of the radicals to carry through their measures of proscription, they were defeated. In commenting on Governor Hamilton's course upon this subject, the *Houston Telegraph*, a Democratic newspaper, said: "If we reflect that he labored to give the ballot to those who had bitterly opposed him, that he placed himself in opposition to extreme members of his own party, * * * that he labored for a people who he believed had wronged him, * * * that he clothed us with the ballot at the imminent risk of having it used against himself, and that all passion and even promise pointed out to him the opposite course as the one most for his interest, then indeed does he stand before us a patriot, firm, tried and true."

Other provisions of the constitution increased salaries, and lengthened the governor's term of office to four years, that of senators to six years, of district judges to eight years and of supreme court judges to nine years. The attorney general was made an appointive office. The sessions of the legislature were made annual. An elaborate system of free schools was outlined and provision made for increasing the permanent and available school funds. The income from the permanent school fund, one-fourth of the state taxes and an annual poll tax of \$1 provided for maintenance. To encourage immigration a bureau of immigration was created. The first legislature to assemble after the adoption of the constitution was commanded to ratify the thirteenth and fourteenth amendments to the constitution of the United States.

The convention did a great deal of work that properly belonged to its successor—the legislature. "They have assumed to erect new counties; on the faith of their action, court houses have been built; they have authorized the levy and collection of taxes under which interests have grown up; they have chartered railways and immigration companies, in which large amounts of capital have been, or soon will be invested. In a hundred ways they have put under pledge to support any constitution they may present a hundred powerful interests." An election was ordered to be held early in July to vote on the constitution and to choose members of the legislature, state, district and county officers. The convention adjourned about February 8, 1869.

The adjournment of the convention marked no cessation in the controversies between the two factions. The radicals confidently expected the commission, which had been sent to Washington to urge division of the state, not only to accomplish that object but also to recoup some of the reverses they had sustained in the convention. In their memorial to congress, therefore, the constitution was denounced as entirely too conciliatory toward the former rebels. The blame that it did so was heaped upon the moderates, who "did not in their actions come up to that firmness for Republican principles which their constituents had a right to expect." The moderates replied in a straightforward manner that their acts had been determined by a just regard for the best interests of Texas and that any other course would "produce only the bitter fruit of settled and implacable hate." Congress took no action in regard to these matters other than to pass an act authorizing the president to order an election at such time as he should deem proper for voting upon the constitution and electing officers thereunder.

Certainty that the constitution would be submitted for ratification and state officers elected caused interest to center in the formation of state tickets. The Democrats, profiting by their experience in 1866, decided to keep out of the race for state office, since their success might further delay the readmission of Texas. The moderate Republicans placed at the head of their ticket A. J. Hamilton, but were slow in filling the rest of the places. They were confronted by two rather perplexing questions: should they join forces with the Democrats, and should a state convention be held? Fusion was rejected and the holding of a convention abandoned on the ground that an attendance sufficiently large to make that body representative could not be obtained at that time. The radicals had met defeat so often that they were at the outset not regarded as formidable opponents. Conditions, however, were soon to change. After their defeat at home in 1866, they had found ready allies in congress and were given the upper hand by the reconstruction acts. Now, that they were threatened with defeat by the moderate Republicans, they again turned to Washington and their appeal was not in vain. The radicals called a convention of the Republicans to meet at Galveston on May 10. The attendance was small and nothing was done. Another convention, however, was called to meet at Houston on June 7. This convention also was poorly attended, but it proceeded to adopt a platform, choose candidates and perfect its party organization. The platform differed little from the one adopted by their opponents in 1868, but was remarkable in that it showed a complete reversal of their own policy and principles by the radicals. The constitution which up to this time had been denounced by them on every occasion was now recommended for adoption. E. J. Davis headed the ticket as candidate for governor.

The campaign was characterized by bitter personalities. The moderates were charged with having sold out to the Democrats, while the radicals were taunted with their recent conversion, charged with lack of political principle and stigmatized as a negro-supremacy and carpet-bag party. About this time General Reynolds was again assigned to command the district of Texas. He showed an ambition to be elected United States senator, and approached the moderates to obtain pledges of their

support. Hamilton not only repulsed him but denounced him openly. Reynolds then turned to the Davis supporters and several events of political importance occurred in quick succession. On July 7 the Davis Republicans were recognized by the national Republican executive committee as the regular organization in Texas. On July 15 President Grant issued a proclamation fixing the date of the election in Texas on November 30, thus granting a postponement for which the radicals had long been clamoring. Having been recognized as the regular Republicans in Texas, the administration at Washington began to fill the federal offices with Davis men. General Reynolds pursued a like policy in displacing Hamilton men in state offices.

These changes gave impulse to the campaigns on both sides. Governor Pease resigned September 30 and used the weight of his influence for Hamilton. The radicals gave particular attention to the negro voters. On October 1 General Reynolds issued orders for revising the registration lists and for holding the general election. In the appointment of registrars he selected principally Davis partisans, and when registration began many who attempted to register were rejected and complaints of unfair treatment were plentiful. Detachments of soldiers were stationed in counties where disturbances were feared. These elaborate preparations were far from reassuring the public that there would be a fair election. The course pursued by the district commander immediately after the election deepened the impression that the candidates of the Hamilton party would be counted out if that were necessary to their defeat. They protested to President Grant, but it availed nothing. On January 8, 1870, General Reynolds issued an order declaring that the radical ticket had been elected. The constitution was adopted by a vote of 72,466 to 4,928.

A list of the members elect of the legislature was published by General Reynolds on January 11, and that body was ordered to assemble on February 8 for a provisional session. To ensure a majority of the radicals in that body extreme tests were prescribed for qualification. The immediate business of this session was to ratify the fourteenth and fifteenth amendments to the constitution of the United States and the election of two United States senators. Congressmen had been chosen at the state election. The amendments were ratified on February 14, and M. C. Hamilton and J. W. Flanagan were elected senators on the 22nd. Thereupon the legislature adjourned to be convened in regular session when the Texas delegation should be seated by congress. The latter were admitted to their seats by an act approved March 30, and were sworn in at once. On April 16 General Reynolds issued a proclamation remitting all civil authority in the state "to the officers elected by the people."

"Legally the reconstruction of Texas was now complete. After nine years, tumultuous with political and social revolution, she was back again in the Union with her sister states, . . . free to work out the new problems that confronted her. The first of these was to endure as best she could the rule of a minority, the most ignorant and incapable of her population under the domination of reckless leaders, until time should overthrow it. Reconstruction had left the pyramid upon its apex; it must be placed upon its base again."²

² Ramsdell, "Reconstruction in Texas," 292.

CHAPTER XXXV

RADICAL RULE AND ITS OVERTHROW

The conditions existing in Texas at the beginning of 1870 would have made it difficult for any administration to give general satisfaction. Reconstruction under the congressional plan had outraged the sense of right of the majority of the people of Texas, and had brought to maturity a harvest of political factions. Military rule and the enfranchisement of the negro gave the radicals of the Republican party an artificial advantage, which had no basis in the will of the people. To the majority of Texans the readmission of this state to the Union signified the return of peace, the cessation of military rule, the restoration of the government to the people and a return to simple democratic administration of the laws such as existed prior to the war. There was a general demand for the encouragement of railroads, factories, immigration and education. The heritage of military rule, however, was an administration which regarded these matters from an entirely different view point. Governor Davis in his inaugural address reviewed the changes wrought by the war. It had taught us new lessons in government. The powers formerly exercised by the state had proved a menace to freedom of thought and speech. But now this had all been swept away, and, "while local self-government still remains, it is within the just bounds that there is a supervisory power over all, * * * which will temper state action. * * * This will prove the better government. * * * In this faith let us enter upon the great work before us of reorganization."

Edmund J. Davis was born at St. Augustin, Florida, October 2, 1827. He settled in Texas about 1848, served as deputy collector of customs on the Rio Grande from 1850 to 1852, as district attorney in 1853 and as district judge from 1855 to 1860. His course during the war has already been outlined. He was a delegate to both reconstruction conventions, and was elected president of the second in 1868. He was a Southerner and a Texan; he was experienced in public affairs; he was brave and fearless according to his convictions; his honesty and integrity were not questioned, although he was the head and front of an administration which has not been able to clear itself of the taint of dishonesty and corruption. "He was a political martinet; strong in his prejudices and almost remorseless in carrying out his purposes; blind alike to the good qualities of his enemies and to the bad qualities of his friends." Very early in his term he lost the confidence and support of the conservatives through the radical measures that he advocated. He became the object of criticism not only for his own acts but also those of his appointees. At the first opportunity to obtain a popu-

lar expression, he was defeated; but he retained the confidence of his party, in whose councils he remained a prominent figure until his death at Austin, February 7, 1883. In private life he was esteemed by all who knew him as a cultured gentleman, distinguished for his noble and generous impulses.

He introduced his first general message with these words: "So long time has elapsed since the session, within this state, of a body competent to legislate, that your duties must be many. * * * In addition to ordinary matters of legislation, you will find it incumbent upon you to remodel to a great extent the general statutes and to accommodate them to the new order of things, and to the radical changes engrafted on our institutions by the constitution lately adopted." Through the arbitrary tests prescribed for qualification, the radicals controlled a safe majority in the house of representatives, and violence was used to defeat the opposition of conservatives in the senate. The twelfth legislature was the first to contain any considerable number of colored members; there were ten. Many of the members were little known and totally inexperienced in legislative affairs. Their acts were marked by an alarming disregard of the constitution and complete subserviency to the will of the governor. In his opinion the matter of primary importance was the adoption of measures for the punishment or repression of crime and the establishment of law and order throughout the state. For this purpose he recommended the organization of all able-bodied men between the ages of eighteen and forty-five into a state militia. A smaller body, known as the state guard, to be composed of picked volunteer companies, should receive aid from the state. Exemption from military duty should be granted on payment of a tax. In order that the governor might have a free hand to deal with combinations of lawless men, he requested that he be invested with authority to declare martial law. The legislature responded with an act which is remarkable for its violations of the constitution, but which met every demand of the governor. To force the militia bill through the senate it was necessary to arrest and keep in prison a number of those who opposed the measure. Sections 26 and 27 authorized the governor to declare martial law in any county or counties whenever in his opinion the enforcement of law was obstructed by combinations of men too strong for the control of the civil authorities; he was invested with power to employ as many of the state police, the state guard or the militia as he deemed necessary to restore order. The expense of maintaining the forces called out for this purpose he could assess upon the county or counties placed under martial law, and for the trial and punishment of offenders he had the power to form military commissions. That there was need for such drastic legislation was generally denied, nevertheless the governor found occasion to exercise his arbitrary powers by declaring martial law in Marion, Hill, Limestone, Freestone, and Walker counties. To enforce his mandates in Limestone county, he ordered a company of negro troops to Groesbeck. And in the face of the express constitutional guarantee of trial by jury to every man, several persons were sentenced to the penitentiary by military commissions.

The governor also recommended the creation of a state police, em-

bracing under one head this new organization and the police of the different cities, sheriffs, deputy sheriffs and constables, in order that they might all act in concert. A state police was provided for by an act which fixed its strength at about two hundred and fifty men, exclusive of sheriffs, etc., to be under the control of the adjutant general. That such a body might have served a useful purpose in a frontier state like Texas is clear. But the provisions of the act showed that its principal object was to enable the governor to carry out his arbitrary will. The employment of negroes and the enlistment of vagabonds in the service made it all the more obnoxious. The state police became a terror to sections where it was stationed. It made arrests, seized property and searched private houses without cause or warrant and extorted sums of money as the terms of release. That such conduct was the exception and not the rule did not save the governor or the state police from public denunciation. Finally, the adjutant general, who was chief of the state police, absconded with \$30,000 of public money.

Governor Davis had resided for many years on the Rio Grande frontier. He spoke from personal knowledge when he urged the necessity of making greater provision for the protection of the frontier so long as the United States government failed in doing its duty in this respect. He was, therefore, authorized to organize twenty companies of Rangers, and to sell \$750,000 of state bonds bearing seven per cent. interest to raise the funds for their support. To the universal habit of bearing arms, the governor attributed largely the frequency of homicides in Texas, and he urged restriction of this privilege. An act was passed prescribing severe penalties for keeping and bearing deadly weapons.

Attention was called by the governor to the mandate of the constitution to provide for the education of all children of scholastic age. The office of superintendent of public instruction was created, and the establishment of an elaborate system of public free schools outlined. The radicals, however, did not venture to order separate schools for whites and negroes. In reviewing the school legislation of this period, State Superintendent Baker said: "When the war closed, and before the people had begun to recover from its dreadful ravages, a school system was launched upon them which, to say the least, was better fitted for an older and richer state. Copied from older, richer and more thickly populated states, that system for a country prepared for its reception was comparatively without a fault. But the immense sums of money necessary to support it were extorted from a poor and unwilling people. The schools, though open to all, soon became exceedingly unpopular with a large majority of the people, both because of the unnecessary expenses incident to them and the manner in which they were conducted. It is not a matter of surprise that the system was overthrown, but it is to be regretted that its healthy features were not preserved and grafted into the new one which took its place. * * * The bitter prejudices born of the old law created among the people a strong distaste to taxation for educational purposes and indeed to free schools." (Biennial Report of the State Superintendent of Public Instruction, 1885-1886, p. 6.)

Upon the question of internal improvements the governor referred to the general desire for better railroad facilities, and recommended

that something be done to meet this demand, particularly with respect to a road extending from the northeastern portion of the state to the Rio Grande. In regard to the new enterprises that clamored for state aid, the governor was of the opinion that nothing outside of a liberal charter and the right of way should be granted, and even then a careful scrutiny should be made of the ability of the company to fulfill its agreement. He warned against plunging the state into debt for the purpose of granting subsidies. A large number of railroad measures were introduced, but only two of importance were passed. The constitution of 1869 prohibited the granting of lands to encourage the building of railroads so the legislature resorted to grants of state bonds. The International Railway Company was promised \$10,000 in state bonds for each mile constructed. In November, 1871, the company reported the completion of fifty-two miles and made formal application for \$500,000 of the bonds. The bonds were prepared, signed by the governor and treasurer, but the comptroller, whose signature also was required, refused to sign them, on the ground that the law was unconstitutional, and the supreme court of Texas sustained him. The matter was finally settled in 1875 when the railway company was offered twenty sections of land per mile of road constructed under the act of 1870, with an exemption from taxation on same for twenty-five years in lieu of the state bonds. The offer was accepted. The other act granted aid to the amount of \$6,000,000 to the Texas and Pacific Railroad Company on condition that it construct a road from Longview to Dallas and thence westward through the state. The right was reserved to commute the state bonds for land at the rate of twenty-four sections per mile in case the constitution was amended so that this were possible. Governor Davis disapproved this act, but it was passed over his veto May 24, 1871. "The passage of this measure, along with the International Railroad bond muddle, provoked an outburst of popular disapproval and charges of fraud and corruption were freely bandied about. Governor Coke in his second annual message to the legislature, in 1875, says that the original International bond act, 'by common consent and admission was carried through the twelfth legislature by the most unblushing bribery.' As a result of this agitation an amendment to the constitution was adopted [1874], allowing the legislature to make grants of land to railway companies, provided that not more than twenty sections per mile should be so granted. To the Texas and Pacific Company * * * was granted twenty sections of land per mile of road instead of the bonds of the state. * * * Thus terminated this form of state aid. Fortunately the state escaped without any bonded indebtedness resulting from the reckless attempts to lend the state's credit, though bonds to the amount of twelve or fourteen millions had been voted by the legislature."¹

The governor favored immigration, recommended a geological survey of the state, improvement and repair of the public buildings, state institutions and the penitentiary, which were all in a dilapidated condition. He hoped that every species of manufacture and industry would be encouraged by the passage of laws affording ample protection to

¹ Potts' "Railway transportation in Texas," 95.

their property and granting exemption from taxes for a short term of years. He called attention to the sad plight of the stockraisers and urged that this important interest be given relief through appropriate legislation.

Other subjects that required immediate attention "as essential to complete the reorganization of the state government" were "the organization and appointment of boards of registry, and of judges of elections; the appointment of officers to fill vacancies where the law or constitution does not now provide therefor; to provide for removals and appointments to municipal offices until elections can be held in the respective cities and towns; to provide for and fix time and manner of elections for such officers as are made elective; to provide for the 'trial, punishment and removal from office' of the class of officers referred to in section 6, article VIII, and to divide the state into convenient judicial districts, so that the appointment of district judges may be made." The registration and election laws required all voting to be done at the county seat, and the governor was given complete control of the election. Many of the whites considered the restrictions imposed on the voter so onerous that they refused to go to the polls. The subject of filling vacancies as well as of new offices was disposed of by an "enabling act" which authorized the governor to fill them all by appointment. In the case of the elective officers the appointments were to hold until the first general election. This policy was carried to the extreme of including municipal officers. By an act approved August 15, 1870, the date of the first general election was fixed on the first Tuesday after the first Monday in November, 1872. By this extraordinary act the legislature, which had been chosen for a period of two years in November, 1869, attempted to lengthen its own term for one year, and that of each of the governor's appointees as well. It practically legislated a vacancy in the Texas delegation in congress. The act was such a palpable violation of the constitution that a movement was started during the following session of the legislature to have it repealed but the extremists resisted the effort and ousted the speaker of the house of representatives from his office for favoring such repeal. The Democratic press charged that the rigid election law took away the last excuse for the enabling act and that fear of the result of a popular vote was the motive for the postponement of the election.

The forty-first congress terminated March 3, 1871, and with it the terms of the Texas congressmen. Through the juggling of the election law referred to above, Texas was deprived of membership in the house of representatives during the first session of the forty-second congress. On May 2, 1871, a special election for congressmen was ordered to be held October 3 to 6 following. Democratic candidates entered the lists against the Republicans. Exercising the extraordinary powers conferred upon him by the election laws, the governor issued a circular on August 9th, supplemented by another on September 6th, placing the most galling restrictions upon the voters during the election, patterned in every respect after the election held under military rule. "The people, at a glance, saw through both these proclamations. They knew that the only hope for the governor and his party was to obtain a pretext to throw out the votes, and that he had resorted to these flaming, unconstitutional,

illegal, unwarranted, unnecessary and uncalled-for proclamations as a pretext to enable him to accomplish his tyrannical purpose."² The polling places were guarded by state police or militia, and the voters were obliged to pass in single file between Davis' soldiers to deposit their ballots. Nevertheless the Democratic candidates were elected. Governor Davis issued his certificate of election to W. T. Clark instead of D. C. Giddings on the ground of irregularities in the election, but the house of representatives seated Giddings.

The last subject to be considered in the governor's message was the financial conditions of the state. He stated that there was a balance of approximately \$375,000 currency in the treasury which about equalled the public debt. He did not think it possible to make an estimate of the state's expenses in the future, but felt certain that it would be much larger than formerly even if the most rigid economy were observed. The various measures recommended, such as the school system, the increased judiciary, the immigration bureau, state police, etc., would require at least \$1,500,000 annually. The taxable values for 1869 amounted to \$149,665,386. The whole system of collecting taxes must be revised and made more efficient. The legislature readily responded with various acts, but found it impossible to make receipts equal the expenditures. In 1870 an issue of \$750,000 state bonds had been authorized to raise the funds for frontier defense. In May, 1871, \$400,000 state bonds bearing ten per cent were appropriated to wipe out deficiencies in the state's revenue, and in December of the same year an additional issue of \$2,000,000 state bonds was authorized for the same purpose. The various local officers were quite as lavish in the expenditure of county funds as the legislature was in the appropriation of state funds. The rate of taxation advanced by leaps and bounds; in September, 1871, it was about, \$2.17½ on the hundred dollars valuation, besides poll, occupation and license taxes.

The opposition to these radical measures was widespread, and did not long delay to find expression in organized action. Even before the called session of the legislature adjourned, a group of prominent men, including several legislators, met at Austin in July, 1870. A "Petition of the people of Texas to Congress to guarantee to the people a republican form of government" was drafted and extensively circulated. It contained a synopsis of the militia act, the state police act, the enabling act, the registration and election laws and of other laws dangerous to the liberties of the people, and concluded with an appeal to congress and to public opinion for relief. The statement made by Governor Davis that "a slow civil war has been going on in the state ever since the surrender of the Confederate armies" was branded as a falsehood. The petition bore the signatures of A. J. Hamilton, J. W. Throckmorton and E. M. Pease, the governors of Texas since 1865, and of other prominent Hamilton Republicans, as well as those of Democrats. In January, 1871, a Democratic state convention was held at Austin. The platform stated the essentials of self-government, enumerated and denounced the unconstitutional and oppressive

² Pearre's "Review of the laws of the Twelfth Legislature" . . . and the "Oppressions of Governor E. J. Davis' administration," 107.

acts of the radical state administration, and extended an invitation to all good men, whatever may have been their past political preferences, "to unite with the Democratic party in removing from place and power those who now control the state government, in order to release the people from oppressive revenue and unequal taxation, to insure an honest administration of the laws, and an honest and economical expenditure of the public monies, and to throw the aegis of justice and protection over the person and property of every individual whatsoever in the state of Texas." Plans were made for a thorough organization of the party, and for the establishment in Austin of a central party organ. The *Democratic Statesman* made its appearance in July. The campaign waged during the summer by the Democratic candidates for congress afforded an excellent opportunity for discussing the abuses of the administration and for rekindling interest in public affairs in many who through apathy or disgust had hitherto neglected to register as voters. Some of the men, who had drafted the petition to congress, now issued a call for a taxpayers convention to meet at Austin, September 22, "for the purpose of expressing their opinion in regard to the exorbitant expenditures and enormous taxes to which we are subjected." The call was well-timed. Meetings of tax-payers were held in many places; ninety-five counties were represented in the convention. Governor Pease was elected president. A committee of twenty-one reported on the violations of the constitution and laws, and on taxes. "The violations of constitutions and disregard of law have been very frequent and are very numerous," read the report, "but frequent as they have been and numerous as they are, we have been unable to find a single one of either class based on an honest desire to accomplish good for the people of the state, or to secure prosperity to the country. On the contrary, their apparent cause seems uniformly to spring from one grand purpose, viz: to concentrate power in the hands of one man, and to emasculate the strength of the citizens of Texas as a free people." A long list of violations of the laws and unconstitutional acts formed part of the report. The report on taxation set forth the enormous increase in the public expenditures, the burdensome character of the taxes and the extravagance of the administration. A committee was appointed to ask the legislature for redress of the grievances. Another committee was appointed to prepare an address advising the people how to resist through the courts the collection of such taxes as were deemed illegal. In case the petition of the convention was neglected and no election held at an early date for a new legislature, an appeal should be made to the general government, "praying that the people of Texas be protected in the right guaranteed by the constitution of the state in the election of members of the legislature, under a just apportionment, as well as an election of state and county officers." The legislature granted no relief.

Although Governor Davis had given his approval to the act fixing the date of the first general election under the new constitution in November, 1872, he soon found it a stumbling block. The constitution clearly demanded that the governor be chosen at the time that members of the legislature are elected. Davis claimed that his term would expire four years from April 28, 1870, which would be prior to the general election in November, 1874. The question, therefore, arose whether

the governor, too, ought not to be elected at the November election in 1872. A popular election held such terrifying possibilities for the governor that he put an end to the matter by a proclamation: "It is my understanding of the tenure of office of the legislature to be elected in November next, that it expires on the 2nd day of December of the year 1873, being two years from the 2nd day of December, 1871, on which last-mentioned day, according to the opinion of the attorney-general and, I believe, of most lawyers of the state, the legislature elected in the fall of 1869 expired. It will, then, be the duty of the legislature to be elected on the 5th of November [1872] to provide for the election of their successors in November, 1873, and at the same time of governor, lieutenant-governor, comptroller, treasurer, commissioner of the general land office, etc., also sheriffs, district clerks, justices of the peace and other county officers. * * * In conclusion and to relieve all doubt, if any exists in the public mind on this subject, I will say that no election for governor and other state or county officers, except to fill vacancies, will be held at the election in November next."

In this opinion the governor reached the climax in his efforts to have all the powers of the government converge in his office. The legislature had complied with his numerous suggestions. It postponed the election one year beyond the proper date. Now, in turn the legislature was informed that its term had expired and that the governor could manage affairs without its assistance. The constitution expressly stated that sessions of the legislature shall be annual, but then the legislature had held two sessions during 1871. So far as the people were concerned, they were ready to dispense with the services of the twelfth legislature; it was economy to do so; but they claimed for themselves the right to turn them out by choosing their successors.

The approaching national and state elections infused new life into party politics. The Republicans held their convention at Houston in May. Their platform approved the administrations of Grant and of Governor Davis, promised economy and honesty in administration and declared that the "Democratic party, with its prejudices against the equal rights of men and against popular education," cannot safely be intrusted with the powers of government. The Democrats met in convention at Corsicana in June, reaffirmed the platform of 1871 with its severe arraignment of the Davis administration, declared the national administration to be "destructive of the rights of the states and of the liberties of the people," and endorsed the action of the liberal Republicans. The election included presidential electors, members of congress, members of the legislature, and the location of the seat of government. Greeley received a majority of 19,020 over Grant; six Democratic congressmen were chosen; a majority in the house of representatives was captured by the Democrats, and Austin remained the seat of government. The result clearly showed that the days of radical rule were numbered.

The thirteenth legislature convened January 14, 1873. The house was organized by the Democrats. The senate presented a problem. Webster Flanagan was elected president of the senate during the twelfth legislature. Some contended that he was the president of the thirteenth legislature. The Democrats did not command sufficient votes to force

a reorganization. To promote harmony, Senator Flanagan resigned and subsequently co-operated with the Democrats in repealing or modifying the radical legislation of the twelfth legislature. Governor Davis' message was conciliatory; he counseled moderation. "When I commenced the performance of the duties of governor," he said, "I proposed to myself these main purposes: On the one hand to restrain that tendency to extravagant squandering of public money and running into debt, which has disgraced many of the governments and legislatures of the so-called reconstructed states. * * * On the other hand, to restrain that lawlessness which always unfavorably distinguished our people, but had become shockingly intensified by the habits taught our young men in military camps." He defended the militia and police acts and the extraordinary powers they conferred upon the governor by insisting that the moderate use of such powers had exerted a salutary influence in restraining lawlessness and preserving peace, and had thus "prevented disturbances hurtful to the prosperity of our state, and averted the interference of the United States government, which nearly all of the reconstructed states have been subjected to." The legislature immediately began the work of reform. The enabling act and the state police act were repealed. The militia law was amended so as to prune it of the extraordinary powers it vested in the governor. The law regulating the assessment and collection of taxes, the law relating to public free schools, the public printing law, and the registration and election laws were remodeled. Elections were to be held in the various precincts and to continue for one day only. Other important legislation included the act appropriating one-half of the public domain to the permanent school fund, the act reapportioning the state into senatorial and representative districts and the act fixing the time of holding an election for members of the fourteenth legislature, all state officers, county officers, etc., on the first Tuesday in December, 1873.

The act fixing the date for the next general election as well as the remodeled registration and election laws received the approval of Governor Davis. Each party, therefore, entered the campaign under conditions presumably mutually satisfactory. The Republicans met in convention at Dallas in August, and renominated Governor Davis. The platform criticised the thirteenth legislature and demanded a long list of reforms. The Democratic convention was held at Austin in September. Richard Coke was nominated for governor, and a complete state ticket placed in the field. The platform pointed with pride to the work of the Democrats in the thirteenth legislature, and pledged the party to administer the government, which would certainly be entrusted to their hands, in the interest and for the benefit of the whole people. It favored the calling of a constitutional convention by the next legislature. The contest aroused the highest political excitement and neither party asked nor gave quarter. Intimidation and fraud were used on both sides. The vote polled was large and decisive; Coke received 85,549 votes, Davis 42,633. The Democratic candidates for the several state offices were successful, and a majority in each branch of the legislature also belonged to that party.

The radicals made a last desperate effort to prolong minority rule. The validity of the law, under which the recent election had been held,

was attacked because the voting had been limited to one day instead of four. The supreme court of Texas, on January 5, 1874, upheld this view and declared the law unconstitutional. Acting upon the assumption that under this decision the election, too, was void, and that the successful candidates were not entitled to administer the offices to which they had been elected, Governor Davis, on January 12, issued following proclamation. After referring to the decision of the court, he said: "Whereas, Great public injury and further dangerous complications of public affairs are likely to result from any attempt on the part of those claiming to have been chosen as members of the legislature and other officers at said election, to assume the positions they claim, therefore, for these and other reasons which it is not necessary to incorporate herein, it is deemed advisable, and it is so ordered, that those who have been chosen as legislators and other officers shall not attempt to assume the positions they claim unless by further action of adequate authority."

Knowing very well that his proclamation would be disregarded, the governor applied to the president of the United State for federal troops to prevent apprehended violence. On January 12th Grant replied that he could not furnish aid, and made following suggestion: "The act of the legislature of Texas providing for the recent election having received your approval, and both political parties having made nominations and having conducted a political campaign under its provisions, would it not be prudent, as well as right, to yield to the verdict of the people as expressed by their ballots?" Governor Davis, however, did not sit idly by awaiting Grant's decision; he believed in helping himself, and the president's reply did not change his program. The newly elected state officers and members of the legislature held a conference the evening preceding the day fixed for the meeting of the legislature, January 13, 1874. No one knew what Davis planned to do, but that opposition to the inauguration of the new administrations would be made was anticipated. It was decided to proceed in the most peaceable and prudent manner possible and to avoid any illegal action. It was discovered that Davis had filled the lower part of the capitol with armed men, mostly negroes, and that he planned to take possession of the legislative halls in the morning. The Democrats, therefore, secured the halls during the night and thus gained an important strategic point. Organization of the legislature was perfected without opposition. However, on the same day a portion of the thirteenth legislature met in the basement of the capitol. The governor informed the committees from the fourteenth legislature that he would not recognize it, as its validity was placed in doubt by the decision of the supreme court and was protested by its predecessor. For a time the secretary of state refused to deliver to the legislature the election returns, but later allowed them to be taken over his protest. The returns for governor and lieutenant-governor were canvassed, and Coke and Hubbard declared to be duly elected. Governor Davis issued an order to the local militia company, the Travis Rifles, to report at once for duty "fully armed and equipped." On their way to the capitol the sheriff summoned the captain and his men as a *posse* to keep the peace; they were marched to the second story of the capitol and stood guard during the inauguration of the new governor late at night of the 15th. The next day another appeal was made to Grant: "The

newly elected governor (Coke) was inaugurated last night. Armed men are guarding the approaches to the offices at the capitol. Other armed men have possession of the legislative halls. A conflict seems inevitable." Again aid was refused. But Davis still held on. "During the 16th and until late in the afternoon of the 17th there prevailed the most intense excitement, both in the lower and upper story of the capitol, and there were during that time several narrow escapes from hostile conflict, which was only prevented by the continual watchfulness and care of those who were relied upon to avoid a conflict if possible." In the afternoon of the 17th a third refusal of aid was received from the president, through the attorney general, saying that the president "is of the opinion your right to the office of governor at this time is at least so doubtful that he does not feel warranted in furnishing United States troops." Thereupon Davis quit the executive office without taking formal leave, and radical rule was at an end.

"The administration of Davis was responsible for more of the bitterness with which the people of Texas have remembered the reconstruction era than all that happened from the close of the war to 1870. In fact, the word reconstruction recalls to most people first of all the arbitrary rule of this radical governor. * * * In many respects he was the best of the faction that nominated him for governor in 1869; but no man could have been worse fitted by temperament for the delicate task before the local Republicans at that time. When circumstances demanded the most painstaking moderation in order to overcome the effects of the congressional policy, E. J. Davis and his radical associates succeeded only in plunging the Republican party in Texas into irretrievable ruin."*

* Ramsdell, "Reconstruction in Texas," 317.

CHAPTER XXXVI

THE DEMOCRATIC READJUSTMENT

The injurious influence of radical rule did not end with the termination of the Davis administration, nor was it limited to the laws that were placed by them on the statute books. It had prepared the way for a reaction which placed in the ascendancy the most conservative element of the Democratic party at a time when moderation and prudence should have prevailed. The latter went to extremes in its efforts to re-establish its ascendancy and by attempting to return to the elementary government, the small public expenditures and the *laissez faire* policy that prevailed before the war.

In his inaugural address Governor Coke said:

"Today for the first time since she emerged from the ruin and disaster of the great Civil war, Texas sees the inauguration in her Capital of a government chosen by the free and untrammelled suffrage of her people, having their confidence and looking to them for support and accountability. Let the heart of the patriot throb with joy, for the old landmarks of constitutional representative government, so long lost, are this day restored, and the ancient liberties of the people of Texas re-established. The virtue and intelligence of the country, no longer ostracised, now wield their legitimate influence and the government of Texas henceforth is to be administered in the interest and for the benefit of the people, and to reflect their will."

These words were spoken while the authority of the governor was still contested by his predecessor. Before this program could be carried out, it was necessary for the democrats to obtain control of the government in all its departments. The legislature was already in their hands. The various radical state officers, like the governor, maintained their positions as long as possible, and when ousted left everything in the utmost confusion, requiring much time and labor on the part of their successors to obtain a correct knowledge of affairs. The local and municipal officers throughout the state, acting in sympathy with and taking courage from the boldness of the leaders at the Capitol, refused for a time to deliver over to their lawfully elected successors the offices in their possession. Thus a universal conflict of jurisdiction and authority, extending through all the departments of the government, embracing in its sweep all the territory and inhabitants of the state, and every question upon which legitimate government is called to act, was imminent and impending. (Message of Governor Coke, January 12, 1875.)

Reform in the judiciary was made possible in part by an amendment which had been adopted at the recent election, increasing the number of supreme court judges from three to five. Its effect was to bring to a

close the terms of the judges, composing the "semi-colon court." An entirely new bench was appointed, with O. M. Roberts as chief justice. The displacement of certain district judges was effected in a different manner. "The members of the legislature had hardly got settled in their seats before an extraordinary movement was made which was perhaps never before exhibited in any legislative body of Texas. Resolution after resolution was offered day after day, for the purpose of removing district judges from office, by an 'address,' which remedy had been provided in the constitution. Very soon there were as many as seven such resolutions, and there were more afterwards. The judges sought to be removed were located in districts in different parts of the state. The complaints made against them were different against different judges. Some of them were for physical disability, others for legal incapacity, and some for malfeasance of various kinds amounting to arbitrary dereliction of duty, others for legal oppression, and others for the exercise of partiality on political grounds. * * * Some of them were removed and a few were not." (Roberts, in "Comprehensive History of Texas," II, 211.)

The prospects of an early change of constitutions exercised a restraining influence on the legislatures of 1874 and 1875; they confined their attention mainly to matters that did not permit of delay. Besides making the reforms in the judiciary already described, acts were passed to improve the credit of the state, for suppressing lawlessness and for protecting the frontier. More attention to these acts will be given further on.

Efforts were made during the session of the Legislature in 1874 to call a constitutional convention, but wiser counsel prevailed and the call was postponed. The state was not in condition financially to add the expense of a convention, but the chief reasons were far weightier and were summarized as follows in a message of Governor Coke, March 16, 1874:

"Constitution-making is a work greatly different from what is formerly was in Texas. Our social and our labor systems and, in some degree, our political system have changed fundamentally. We hardly yet appreciate the extent and import of the changes ourselves. These changes are going on and will continue. New population, with new ideas, are filling the country; new industries are springing up. Enterprise and rapid movement is the order of the day. Associated capital in the hands of corporations, so imperatively necessary to our development on the one hand and so dangerous on the other, finds an extensive field for operation in Texas. We have 40,000 unenlightened black voters, natural followers, in their simplicity and ignorance, of the unscrupulous trickster and demagogue, in some portions of Texas largely outnumbering the whites, and have equal privileges with them at the ballot box and in the jury box. From these and other facts which might be stated, that exist among us now, with which our people are scarcely yet familiar, questions must present themselves to be dealt with by the framers of our organic law which should be gravely and most maturely considered. The new constitution should be adapted to our changed social, political and industrial condition, and to the growing and changing condition of our society and the different elements and interests which constitute it.

To make such a constitution, we should have a clear conception of Texas as she is, and as she will be. If the people of Texas will take time, and give mature deliberations to the problems of government, now for the first time confronting them, which must be solved in the formation of a new constitution, I have no fear of the wisdom of their conclusion. But I do confess to fears of the result of hasty and precipitate action."

It should be remembered, too, that when these words were spoken the Federal Government was still supporting through the presence of United States troops the carpet bag governments of Louisiana and Florida. A year later the governor reverted to the subject of a constitutional convention in the following words, taken from his general message:

"In its incongruous, repugnant and heterogeneous provisions, it (the constitution of 1869) faithfully reflected the extraordinary character of the assembly, and the disordered times which produced it. Necessity forced it on the people of Texas. * * * Prudence and policy prompted submission to it. * * * No reason exists now for longer submitting to it. The causes, which one year ago rendered it imprudent to call together a constitutional convention, have ceased to exist. * * * We no longer fear Federal interference; we are not hampered with financial embarrassment; the popular mind is free from passion or excitement, and views the great questions to be solved through no discolored medium; and last, but not least, for twelve months past the thinking men of the State have been studying and investigating the subjects to be dealt with in framing a constitution, and are now ready to act." He suggested that the convention be composed of ninety delegates. This number was embodied in the joint resolution approved March 13, 1875, and the first Monday in August was fixed as the date for the election. The people were to vote for or against holding the convention and at the same time choose delegates. Some disliked the optional feature of holding the convention, fearing that the opposition might rally sufficient strength to defeat it. The vote for holding the convention numbered 69,583 to 30,549 against holding it. The convention assembled at Austin, September 6th, and adjourned November 24, 1875.

The constitution of 1876 contains some striking changes from that of 1869. To insure a reduction in the expenditures of the state government and to limit the powers of the various state officers, so that even should the radicals again come into power they would be effectually held in check, appear to have been of such concern to the members of the convention that they neglected other matters of great importance. "Under a mistaken impression as to the causes of high taxation, attention has heretofore been given to curtailing the expenses of state administration, and the real cause, which is to be found in local administration, has been overlooked." (Coke's Message, April 19, 1876.) Cities of 10,000 population were allowed a maximum rate of taxation for the support of municipal government of 2½ per cent. The fee system was retained to pay for the services of local officials. In many other particulars the Constitution was unsatisfactory. Although the work of a democratic body, the party withheld its endorsement at the state convention, and Governor Coke pointed out its numerous defects in his message of April 19, 1876.

The limit on the number of representatives in the Legislature was raised to 150, while that of the Senate was retained at thirty-one. The sessions were changed from annual to biennial. Where there had been no limit on the length of the session heretofore, the length of regular sessions with full pay was now limited to sixty days, and of adjourned and special sessions to thirty days. The maximum salary of members of the Legislature was fixed at five dollars per day. Of the nineteen Legislatures that have assembled since the adoption of this constitution only two held sessions which did not exceed sixty days—the thirty-first and the thirty-second, and they were re-convened in extra session. In fact, there have been only four Legislatures (the fifteenth, nineteenth, twenty-first and twenty-third) which have not been called in extra session. The bill of rights was deemed inadequate as a protection of individual rights against legislation; consequently there were appended to the legislative department additional requirements and limitations, in sixteen sections, "some of which had a number of distinct clauses, and all of which were intended to be specific restrictions, either upon legislation itself or upon the manner of it, and applied to a large number of subjects previously open to general legislation."

The governor's term of office was reduced to two years, and his salary from \$5,000 to \$4,000 per annum. The governor's appointive power was greatly restricted by making nearly all officers elective, and by requiring the consent of the Senate to all other appointments. A further limitation was placed upon his power by dividing the executive powers among the officers composing the executive department, namely, the governor, lieutenant-governor, secretary of state, comptroller, treasurer, commissioner of the general land office and attorney general. Each of these is the governor's equal in matters confided to him, and since all except the secretary of state are elective, it may easily happen that the different executive heads hold widely divergent views on matters of public policy. Authoritative unity in the executive department of our state government has not been provided for. Finally, "the constitution enjoins upon the governor that 'he cause the laws to be faithfully executed,' but withholds from him the power to comply with the mandate. The executive agents of the government (the prosecuting attorneys and sheriffs) are independent of him; he cannot command them directly or indirectly." (Coke's Message, April 19, 1876.) However, the governor was given the power to veto; in the case of appropriation bills this power may be applied to special items; and he alone can designate the subjects to be acted upon by the Legislature in called session.

The judicial system of the state was vested in a supreme court, a court of appeals, district, county and other courts. "The judicial system framed by this article as a whole and in all its parts is, in my judgment, the most faulty, inefficient and expensive one that has ever been suggested. * * * It is fatally vitiated by the following prominent faults: It provides for two high courts of last resort, giving supremacy to neither. * * * It establishes county courts, conferring on them extensive general and statutory jurisdiction, and prescribes no qualification for the judges. * * * It abolishes the office of district attorney, heretofore filled by men of learning, ability and experience, and sub-

stitutes that of county attorney. * * * It extends the jurisdiction of justices of the peace over matters and rights more important than should be submitted to the judgment of men usually unlearned in the law. * * * It provides salaries for district judges which are insufficient to support them in many districts. * * * It surrenders the people, in a considerable section of the state, through the justice and county courts and sometimes the district court, in three-fourths of their litigation, to the domination of uneducated and ignorant suffrage." (Coke's Message, April 19, 1876.) Governor Coke recommended a return to the judicial system of the constitution of 1869, which, he said, the concurrent opinion and almost unbroken voice of the bench and bar and non-professional intelligence of the state adjudged superior in efficiency.

The provisions in the bill of rights of the constitution of 1869, that declared secession a heresy and that the constitution and laws of the United States are the supreme law of the land, were stricken out. In the article respecting the right of suffrage, no mention was made of "race, color or former condition." The registration of voters was abolished. Separate schools for white and negro children were ordered. The appropriation of money to encourage immigration was prohibited. Neither the Legislature nor any county or town was permitted to vote public funds or incur debt by way of subsidy to any private corporation, whether railroad or other association for private profit. Limitations were placed upon the extent of taxation by municipal corporations. The objects for which taxes may be imposed by the Legislature were defined, the maximum tax rate on the \$100 valuation was fixed at 50 cents, and the debt created to supply deficiencies was limited to \$200,000.

Notwithstanding its many defects; the constitution possesses points of merit that have secured its retention until this date. It provides greater facility for amendment than did former constitutions. It ensures the supremacy of the people, and makes the lawmakers and public officials their servants. It guards against the creation of public debt, and dedicated the public lands to the public welfare. It curbed the railroads, and prohibited oppressive monopolies.

The fifteenth Legislature assembled April 18, 1876. It was confronted by an extraordinary amount of important legislation. The adjustment of the statute laws to the new constitution, the remodeling of the criminal system, the revision and change or amendment of the penitentiary system, the reorganization of the civil jurisdiction and methods of procedure, the reconstruction of the revenue system, and last, but not least, a revision of the new constitution with the view of proposing and submitting such amendments as may be found necessary were some of the subjects called to its attention by Governor Coke.

The finances of the state demanded attention as soon as the Democrats came into power. Investigation of the records of the comptroller's and treasurer's offices showed that the treasury was empty and that there were obligations outstanding amounting to \$2,098,928. This amount was later doubled by the audit of claims originating prior to 1874. Treasury warrants were selling at from sixty-five to eighty cents on the dollar. Bonds amounting to \$900,000 remained in New York unsold, because there was no market for Texas securities. Upon a por-

MAIN BUILDING AT A. & M. COLLEGE

tion of these bonds the sum of \$327,074 had been advanced, and the creditors were now suing to recover payment. Bonds in the sum of \$404,000 would mature between September 1, 1876, and January 1, 1877. Governor Coke deemed it inexpedient to levy a tax for the payment of the public debt. The general tax rate, although fixed at the maximum allowed by the constitution, did not produce revenue sufficient to cover the expenses of the government. Further loans would become necessary. Under these circumstances the governor directed his efforts first of all to improve the credit of the state. Payment of the floating debt was suspended, and the holders of treasury warrants were given an option of exchanging them for interest-bearing bonds. All receipts of the treasury were used to pay current expenses. The expenses of the government were cut down wherever possible. A compromise with the International Railroad Company was effected whereby the treasury was relieved of a large issue of bonds. The claims of the New York creditors were promptly settled, although to do so required the sale of bonds at a heavy sacrifice. However, the governor's policy was effective; the credit of the state improved and subsequent bond sales were made at better prices.

In addressing the fifteenth Legislature, Governor Coke said: "One of the most important subjects claiming your attention is that of the assessment and collection of taxes. A law which shall promptly subject all the property in the state to its just proportion of the burden of maintaining the government is of the first and highest importance. Our present revenue laws are wholly inefficient. Taxes now due and unpaid and returned as delinquent amount to several millions of dollars. But a still greater evil is the failure to assess a considerable proportion of the taxable property of the state, and the undervaluation of that which is assessed. * * * Quoting from my last annual message on this subject: 'Taxation should be just and uniform, but under this law it is believed that two-thirds of the property of Texas pays all the expenses of government. * * * A large proportion of the personal property money, bonds, bills, notes, merchandise, stocks and other valuables in the state, and of the assets of banks, banking concerns, trust, insurance and other companies and corporations, not visible to the assessor, is never assessed, and pays nothing.' * * * These things are as true now as when represented to the fourteenth Legislature." After the lapse of thirty-five years a number of these problems still remain unsolved.

Governor Hubbard enjoyed a season of legislative rest such as no other governor of Texas before or since has enjoyed; during his term of over two years there was no session of the Legislature except the one which inaugurated his successor. In his message in 1879 he was able to report that a portion of the public debt had been paid, that the bonds of the state were selling at a premium, and that in consequence bonds bearing a high rate of interest had been refunded in bonds bearing a lower rate of interest. But he was obliged to report a deficiency in the state's revenue and a consequent inability to pay current expenses. "Unfortunately, there is now recalled to mind no fiscal year of Texas, from 1845 down to the present date, but has witnessed the same mistake repeated by Legislatures. * * * In early times these annual deficiencies were met by borrowing from the several millions in gold received

from the United States Government for our sale of the Santa Fé territory, and at others by the issuing and sale of bonds of the state. To-day the credit of Texas bonds is higher than that of any other state in the entire Union. While this fact is and should be a just source of pride to every citizen of Texas, I respectfully and earnestly urge upon your consideration that other fact—not so much a source of pride as of extreme regret—that the debts we owe to our own fellow citizens at home * * * have too often become the subject of speculation. * * * because there is no adequate provision to meet these claims in cash when presented at the state treasury. Neither in law nor in morals ought an invidious distinction be made by the state between the domestic creditors and the foreign bond holders.” While the increase in the wealth of the state has caused a gradual reduction in the tax rate the contingency of a recurrence of deficiencies in the revenue has not been provided against effectually up to the present.

With such plain statements before them, the Republican and Greenback parties severely criticised in their platforms of 1878 the financial policy of the Democrats. The former denounced the occupation taxes and the increase of the state debt through the issuance of bonds. The Greenbackers demanded “abrogation of the odious and unjust occupation and smoke-house tax laws,” retrenchment in the public expenditures, and a reduction of the tax-rate to 37½ cents on the \$100. While there was little prospect that either of these parties would gain control of the government, the Democratic platform pledged the party not to borrow money or to issue bonds to meet current expenses or to increase the tax rate, and to keep expenses within current receipts.

Governor Hubbard in his message reviewed the estimates of receipts and expenditures for the year 1879, and pointed out that the former were inadequate to meet the latter. “The estimates for the present fiscal year make no allowance for much needed improvements in our institutions of public charity, for the early organization of the recently completed penitentiary at Rusk, for state colleges, or any extraordinary appropriation. * * * The conclusion is therefore inevitable that unless the expenses of the government be lessened the estimated revenue will fall far short of meeting the actual expenditures of the state. It is well to look this danger squarely in the face, for we have reached that point * * * in our financial history when the cry of ‘retrenchment and reform’ becomes no longer * * * the cheap watchwords of the demagogue, but rather a palpable and imperious necessity to the legislation of Texas from this day henceforth. Can the machinery of the state government be kept in motion, on the present basis of taxation, without abandoning old and cherished public policies, the protection of the frontier, and the maintenance of the public free schools? Can it be done without reducing the compensation of the judiciary or otherwise impairing the vigor and efficiency of the various departments of the state government?”

It remained for Governor Roberts to answer these questions. He declared that “the true policy of the state * * * under the present juncture of affairs, is to retrench expenses from top to bottom, wherever it can be done consistently with the efficiency of the public service, and inaugurate the policy of now disposing of the public lands at a fair

value as soon as practicable to any purchaser that will buy them in any quantity." One cause of the existing financial difficulties of the state he explained thus: "Gradually, and much more in the last ten years, the state has been assuming other and extraneous burdens beyond the capacity of the productive wealth of the country to sustain.

* * * Reference is here made to the protection of the frontier and our police force; to the penitentiary and its enlargement; to our free common school system; to our schools for the blind and the deaf; to the establishment of an agricultural and mechanical college; to our pensions to Texas veterans and to our immigration bureau." The student of public affairs to-day will find an interesting parallel between the problems confronting the legislatures of 1879 and 1915. However, few would have the temerity to class the support of the public schools as an extraneous burden of the state. The Legislature of 1879 had little choice in the matter, so it trimmed appropriations unsparingly, bringing them down to an amount less than that for the preceding biennium. However, the Legislature did not adopt two of the governor's most sweeping recommendations, namely (1) to reduce the appropriations for the public free schools below the one-fourth of the general revenue allowed by the constitution, and (2) to inaugurate a speedy sale of the public lands in any quantity to any purchaser. Fearing that there would not be sufficient revenue to meet current expenses, if the appropriations for the free schools and the interest on the public debt should stand as fixed by the Legislature, and being determined to avoid a deficiency at every cost, Governor Roberts vetoed this portion of the bill. His action created intense excitement; the Legislature adjourned next day; but his message so ably defended a "pay as you go" policy, that he was able to carry his point. At a special session of the Legislature the appropriation for the interest on the public debt was re-enacted, and the appropriation for the free schools was limited to one-sixth of the general revenue for the next two years. In 1881 the Legislature again appropriated one-fourth, and the governor approved it, but in the meantime he had been subjected to much abuse and criticism for his veto in 1879.

Provision was made for the sale of school and public lands; the former at one dollar an acre in quantities varying from one-quarter to three sections. (in 1881 increased to seven sections,) the latter at fifty cents an acre in unlimited quantities, the proceeds being divided equally between the schools and the public debt. These acts, coming at a time when settlers and speculators were pouring into Texas in large numbers, increased the permanent school fund faster than the board of education was able to invest it under the restrictions imposed by statute. Governor Roberts adopted the questionable plan of buying state bonds at a premium of forty per cent. The sale of public lands in large bodies greatly stimulated speculation in these lands. For both these results he was severely criticised. A justification of his course, in his own words, is as follows: "The public lands and those belonging to the school and other funds were for the most part in the western portion of the state, a great proportion of which were not and never would be adapted to farming. * * * To utilize those lands for stock-raising, to which they were adapted, it was necessary to allow large tracts to be purchased by persons who had means to engage in that business in a

dry country. Another consideration was that it was better to sell the lands at a fair price and increase the school and other funds to help pay the public debt, thereby relieving the people from taxation, than to continue donating them to railroad companies. It was also apparent that it was better to let the lands belong to individuals who would pay taxes upon them than for the government to continue to keep them for any purpose. The experience of our past history in the land business was that, however careful the government has been to prevent them, frauds would continually be perpetrated in its management, which conclusively demonstrated the impropriety of the government's undertaking to handle such property permanently. It was evident that there was no propriety in the state government holding the lands for speculative purposes. * * * For the increase in the common price of land at any time does not arise from anything that the government does to raise the price of it, but from the labor and capital expended by the people in settling upon and improving parts of it, which makes the balance of it more valuable; and for the government to demand more for it then is in effect speculation on what the people have done to enhance the price of the land." (Comprehensive History of Texas, II, 247.)

In his message of 1881 the governor was able to report that the state treasury went on a cash basis on May 1, 1879. Retrenchment in government expenses, taxation of everything taxable, rigorous collection of the taxes due, and a large increase in the wealth of the state had combined to work this result. The connection existing between the general revenue and the public school fund was terminated by providing a special school tax, and in 1883 the constitution was amended by placing the maximum state tax rate at thirty-five cents on the \$100.

Very closely connected with the financial problems, confronting the new administration in 1874, were those having to do with the suppression of lawlessness and protection of the frontier. "The large emigration from other countries, the former spirit of speculation and subsequent monetary depression and want of profitable employment, the extension of our frontier and the changed condition of a large colored population, have all contributed to generate and exhibit an amount and character of crime and civil wrong entirely unprecedented in this country. The very inadequacy of the power of correction has provoked * * * outrageous wrongs as a substituted remedy, without and against the law." (Roberts' Message, 1879.) "Texas has an Indian frontier and a Mexican border of not less than fifteen hundred miles, on which her people of necessity wear arms habitually for defense. Five-sixths of the population of Texas may be found in one-third of her territory. The remainder of the country is in the common acceptance frontier." (Coke's Message, January, 1875.)

The vigorous enforcement of the laws filled the penitentiary to overflowing. The number of convicts in that institution on January 1, 1876, was 1,723. What to do with the prisoners became a great problem and continued to perplex the state administrations during subsequent years. As there was not room within the walls, and since the state at that time owned no farms, a majority of the prisoners were hired out; but the treatment they received at the hands of the lessees was denounced as

vicious even in its beginning.¹ To carry out reforms the erection of an additional penitentiary was undertaken, with a view of employing a large number of the prisoners within the walls. But finding profitable employment within the walls has been difficult for the character of the labor to be employed.

An act of 1874 to provide for the protection of the frontier against hostile Indians, Mexicans or other marauding or thieving parties authorized the governor to organize a battalion of mounted men of six companies of seventy-five men each. This force was the beginning of the present Texas Ranger force; its permanence has been due to its dual character of military force and of peace officers. The Rangers relieved the frontier counties not only of Indian depredations but also of the equally troublesome lawless characters that sought refuge there. Their influence on the development of the frontier was very great. During the twelve years preceding 1874 no new counties had been organized in the west. Through the confidence of security restored by the Rangers the frontier settled so rapidly that fourteen counties were organized between 1874 and 1878. The taxable values of twenty-three border counties doubled within this short period. The adjutant general of the state, in the fall of 1880, "made a tour of inspection and observation on the frontier from Fort Elliott, in the northern part of the Panhandle, to Menard County. * * * I found the country wonderfully developed and improved since my last trip to the frontier two years ago. The outside settlements are now from fifty to one hundred miles further west than they were then. The tier of counties which contained the border settlements three years ago, their only population at that time being stockmen, who lived in picket houses and dug-outs, are now settled and rapidly filling up by an industrious and thrifty class of farmers. * * * The stockmen have * * * moved from 50 to 150 miles further west and northwest. * * * There is now almost a continuous line of large ranches from Devil's River on the Rio Grande, via the headwaters of the Concho, Colorado, Brazos and Red rivers to the Canadian, in the extreme northern part of the Panhandle." (Report of the Adjutant General, 1880, p. 29.)

Fighting Indians was only a small part of the Ranger's arduous task, and this practically ceased, even in the wildest portions of the state, in 1884. The Ranger force has since been greatly reduced as regards numbers, but it has not been discontinued because of its excellence as an instrument in dealing with lawless men. In proportion as Texas settled up, and the demands upon the time of each person increased, Governor Roberts states, the disinclination on the part of the people to give aid in any way in the execution of the laws increased, except on full compensation in money. Hence Rangers were called on to assist the local officers whenever the latter were in need of aid in making arrests of desperate criminals, or to escort prisoners threatened

¹In speaking of the lease system, it must be stated that Texas has never surrendered the care and control of its prisoners into the hands of the contractors. When a railroad or an individual hired the convicts, the state sent along its own guards who exercised the same control over the prisoners as if engaged in state work. The state employed physicians to look after the prisoners welfare. While this modified form of the lease system had many advantages over the out and out lease, it has not been proof against abuse.

TWIN MOUNTAINS, SAN ANGELO

with violence, or to attend court to preserve order, or to protect jails against mobs.

The constitutional provision for a system of public free schools set apart an enormous quantity of public lands for its endowment. An annual poll tax of one dollar and a sum not to exceed one-fourth of the general revenue, together with the annual income from the permanent fund, were set aside for the support of the schools. The lands for a decade remained unproductive of revenue. The income from poll taxes was necessarily limited. The constitution made no provision for supplementing state funds by local taxation. Yoking the available school fund with the general expenses of the government made it impossible to increase the former without at the same time trebling the latter. There was much demand for a reduction of the expenses of the government. Added to this was the fact that the public mind had not recovered from the rude shock experienced during radical rule from the attempt to force upon the state the unsuitable, extravagant and onerous system provided for in the old constitution, with its brood of devouring officials. Therefore, Governor Coke gave it as his opinion that the people would have to be led by slow and easy approaches through practical results, which all can see, to the realization of a system suitable to their condition and within their ability to maintain.

The entire machinery of the former school system was swept away. To meet the large decrease in the school revenues the scholastic age was changed from six to eighteen to eight to fourteen. This reduction in the number of scholastics practically made it impossible to organize schools in thinly settled portions of the state. To inaugurate a new system of free schools a board of education was created, composed of ex-officio members who already had all the work they could do. That vague and indefinite something, the community, was made the local unit. Teachers were not graded and little attention was paid to their qualifications. In 1877 the average length of the school term was three months and the average salary of the teachers thirty-five dollars.

The principal income of the school fund was the one-fourth of the general revenue of the state. During Roberts's first term the share contributed by the general revenue was cut from one-fourth to one-sixth. An effort was made by speedy sale of the school lands to increase the permanent school fund and thus recoup the revenues from that source. For four years the policy of disposing of the school lands amounted to little short of squandering several million acres of land, besides laying the foundation for huge private and corporate land holdings. The complaint that the school law "proceeded upon the idea of providing for the compensation of the teachers more effectually than for the teaching of the scholars, for whom the money has been distributed to the counties" resulted in an act establishing a ratio between the salary of the teacher and the attendance of the pupils. Some attention, too, was given to the classification of teachers into three grades according to their qualification. A secretary for the board of education was employed. By the aid of the Peabody fund normal schools for the training of white and colored teachers were established, and summer normal institutes inaugurated in 1881. The University of Texas was opened in 1883. This year also an amendment to the constitution was adopted which

completely changed the basis of support of the public schools from the general revenue of the state to an annual *ad valorem* state tax not to exceed twenty cents on the \$100 valuation any one year. The amendment further provided for the creation of school districts in which the state tax could be supplemented by a local tax. The sale of the public and school lands at former prices was stopped, and a law enacted regulating the leasing and sale of these lands at much higher prices. The office of state superintendent of public instruction was created in 1884, and the general school law was much improved. These measures of Governor Ireland's administration marked the beginning of real progress in the public free school system of Texas.

CHAPTER XXXVII

NEW PROBLEMS

"For sixty years before the war the Federal Government was administered so as not to be the adversary of the agricultural interests of the Southern people, and, as claimed by the Northern people, prejudicial to their commercial and manufacturing interests, which made them dissatisfied and caused a political contention. That difference culminated in the war between the sections, North and South. Since the war for thirty years the national government has been administered in a way to result in promoting the commercial, manufacturing and general moneyed interests of the Northern people, and, as claimed by the Southern people, prejudicial to their agricultural interests, which makes them dissatisfied and causes a continued political contention." (O. M. Roberts, in *Confederate Military History*, XI, 148.)

"Prior to the political revolution of 1860, the wealth of the United States was distributed among the inhabitants in some just proportion to the capacity of men to acquire it unaided by legislation. The government had rarely interfered with private affairs and the people were left to their own exertions in the acquisition of property. As a consequence there were few colossal fortunes, and the peril of accumulated and organized riches was not imminent. Since then it has become common for the government to aid certain classes of industries by bounties, protection and other species of unequal laws, and under this impetus individual fortunes have grown to such gigantic proportions that conservative and thoughtful men are appalled at the enlarging power of concentrated capital. * * * To this harmful and indefensible legislation there have been added in recent years the oppressive and audacious operations of trusts and conspiracies against trade, and between them the exactions imposed upon the great masses of the people, enriching the few and tending to unjust division of wealth, have grown intolerable." (Governor Culberson's message, January 16, 1895.)

After the war there was a rapid influx of capital and population. The principal development along commercial and industrial lines in Texas centered around the construction of railways, appropriation of the public lands and exploitation of natural resources. Of greatest immediate importance the railroads outranked by far all other enterprises. Through their interstate relations they brought to bear on the people of Texas the effects of the policies and legislation existing beyond our limits and beyond the control of the state. The principal owners of the railways and of other large corporations were non-residents. Therefore, Federal legislation in reference to these bodies was always of great interest to the people of Texas. The state furnished

such leaders in congress, as Reagan in favor of an interstate commerce commission, Mills in favor of tariff reform, and Coke in favor of the people against oppressive corporations and legislative corruption of every kind.

The people of Texas desired railways and made generous donations of land, money and bonds to hasten their construction. The state government appropriated 10,240 acres of land for every mile of road built until the public domain was exhausted. Much of this land was rich and valuable, and all of it was useful to the railways in financing their projects. The total amount of land granted to railways was about 38,826,380 acres, or 22 per cent of the total acreage of the state, an area equal to that of the State of New York. The impetus given to railway construction was extraordinary. From the United States and from foreign countries capital flowed like water into Texas railway enterprises. The increase in mileage as compared with the growth of population between 1870 and 1890, was as follows:

	1870	Rank	1880	Rank	1890	Rank
Population	818,579	19	1,591,749	11	2,235,523	7
Railway mileage	571	28	2,696	12	8,630	3

The period of extraordinary activity in construction terminated with the exhaustion of public land in 1882, and was followed by an era marked by combinations, over capitalization, extortionate rates and poor service on the part of many of the roads.

In 1881 the Huntington and Gould interests entered into an agreement whereby all competition between the two was suspended and the construction of parallel or competing lines was forestalled. These two magnates controlled most of the railways in the state; the former, the Galveston, Harrisburg & San Antonio and the Texas & New Orleans railways, the latter controlled the Texas & Pacific, International & Great Northern, the Galveston, Houston & Henderson, the Missouri, Kansas & Texas and the St. Louis, Iron Mountain & Southern railways. In 1885 the Texas Traffic Association was formed. It was composed of nine Texas railroads and of eight connecting lines lying outside the limits of the state. Its object also was to eliminate competition among the roads composing the association. A central committee promulgated the rates which each member was obliged to observe, until the combine was dissolved by the attorney-general in 1888.

Complaints and charges against the railroads were numerous. Local rates were unreasonably high as compared with through rates. The products of Texas manufacturers, said Senator Coke, "are outrageously discriminated against on our railroads. Manufactured products from distant states are distributed * * * throughout Texas by the railroads at lower rates than similar articles of Texas manufacture will be carried by them from one point to another in Texas. Cotton goods from Georgia mills are carried at lower rates than the products of Texas mills, and iron manufacturers of other states are favored in the same way over those of Texas." The senator gave an instance; the water works company of Weatherford preferred to purchase iron pipe at Rusk but on account of the difference in freight rates was obliged to place its order in Tennessee.

Rates were not based on cost of service but on "what the traffic would bear." When harvests were abundant freight rates were increased and absorbed most of the farmers' profits. Discriminations between individuals for the same service were constant. Secret rate cutting demoralized business. By granting secret special rates, rebates, drawbacks and concessions they fostered monopoly, enriched favorite shippers and prevented competition in such lines of trade in which the item of transportation constituted an important factor. Another example cited by Senator Coke illustrates this: "Where are the New Braunfels woolen mills, the cloth products of which of the same class, unequalled in the East, were worn all over Texas and retailed in every store in the state ten or twelve years ago? This splendid industry by hostile discriminations of the railroads in co-operation with Eastern manufacturers has been driven absolutely out of existence." (Coke to Harned, July 26, 1889, in Fort Worth Gazette, August 3, 1889.)

Free passes were used to maintain a privileged class at the expense of those who paid. "The railways have issued free passes to nearly every tax assessor and county commissioner in this state, who must adjust the values of their property. They have issued them to sheriffs, who serve the process of law. They have issued them to collectors, who enforce the payment of taxes. They have issued them to justices of the peace and to county judges, and to most all other judges along the line of their railways who try their cases." (Ex-Governor Hogg's address to House Committee on Constitutional Amendments, February 5, 1901.)

The capitalization and bonded indebtedness of railways largely exceed the actual cost of construction. "In prosecuting the East Line case," said Ex-Governor Hogg, "I proved by the railway officials that this railway line from Jefferson to Greenville cost its owners \$7,000 per mile to build it; that they got from the state 10,240 acres of land to the mile; that they sold this land for more than enough to pay for building the road; that they issued \$12,000 in bonds and stocks to the mile on the road, and that they ran it many years and maintained it in fine condition; that in 1880 they sold it to other parties for \$9,000 in cash per mile, which included the stocks and bonds. The new purchasers immediately placed stocks and bonds on the road for \$35,000 to the mile, thus making a clear profit upon the face of the transaction of about four million dollars. At once the new management cut down the train and track service, reduced wages of the employes, raised traffic rates out of reason, and within six or seven years ran down the road from a good one to such a reckless state that no one could get an accident ticket over it." (Ex-Governor Hogg's address, February 5, 1901.)

With the industrial development of Texas a large number of wage earners was introduced. The concentration of wealth and power in the hands of their employers caused the workmen to enter into defensive organizations. Reductions of wages of railway employes provoked strikes. The interruptions of traffic resulting therefrom caused great losses and much suffering to the people. A strike on the Gould lines was inaugurated about March 1, 1885. Governor Ireland's proclamation, and the harsh measures aimed at the strikers by some members of

the Legislature, were met by directing attention to the disregard of law by the railroads. Public sympathy was generally with the strikers. The troubles were adjusted by an agreement of March 15, 1885, which was regarded a victory for the labor unions. Perhaps, as a result of this victory organization of railway employes under the leadership of the Knights of Labor made rapid progress during 1885 and 1886. Alleging violations of the agreement of the previous year, the Knights of Labor used the discharge of C. A. Hall, a foreman in the Texas & Pacific shops at Marshall, and a prominent member of their order, as the occasion for calling another strike on the Gould lines in March, 1886. In the meantime the Texas & Pacific Railway had passed into the hands of a Federal receiver. The railway officials used the receivership as an excuse for refusing to negotiate with their employes. Matters dragged for a month with no approach toward an adjustment. Bitterness increased with suffering. Some destruction of property occurred, and bloodshed resulted in an effort to prevent the moving of a local freight train at Fort Worth on April 3rd. The governor ordered several companies of militia and the Rangers to that point, but no further trouble occurred, as the large body of strikers was opposed to the use of physical force. The decision of the Federal judge in the case against the strikers held that the employes of a railroad, acting under the direction of the court, are in contempt if they conspire among themselves to leave the service of the road without warning, thereby temporarily crippling the service. It looked like both courts and the executive had joined with the railroads to oppress labor. It greatly emphasized the necessity of curbing the reckless use of power of these powerful interests; and stirred the Knights of Labor to great political activity during the campaign of 1886.

Another grievance against the railroads is tersely stated in the following words, taken from Governor Culberson's message, January 16, 1895: "Every act of the Legislature which authorized a donation of land to corporations required its alienation in good faith within stated periods of time, in default of which the land became forfeited to the state. These provisions were wisely intended to prevent and discourage perpetuities and land monopolies and should be effectually executed. In unmistakable evasion of the law railroad companies have frequently transferred the land colorably only, sometimes directly to individuals, sometimes through simulated foreclosure proceedings and sometimes through formation of new corporations by stockholders, bondholders or directors of the old companies, in efforts to avoid forfeitures. By this means the policy of enforced alienation is thwarted and the land held in practical perpetuity for speculative purposes in obvious disregard of the growth and development of the state."

Reference was made in a preceding chapter to the good work of the rangers in affording protection to the frontier. In this work they were heartily seconded by the cattlemen, who spread out over the plains as rapidly as conditions of safety would warrant. Free grass was the rule, whether the lands belonged to individuals, to the school fund or was public domain. Free grass was regarded as one of the perquisites of the frontier. The small expense involved and the good prices prevailing up to 1882, made the cattle business as profitable as it was attractive

to a large element that naturally gravitated to the West. The legislation recommended by Governor Roberts, providing for the sale of the public and school lands, proceeded on the assumption that it was better to sell them to cattle and land corporations than to donate them to railroads. The rapidity with which they were seized surprised the warmest advocates of this policy. It was never popular with the people who demanded that the lands be sold to settlers.

"Next to the introduction of railroads," said Roberts, "barbed wire has done the most to develop the agricultural and pastoral pursuits of the state." As if by magic it transformed the open country of the west into a series of pastures, and put a stop to settlement. The very existence of those men was threatened who owned cattle but no lands. Small stock men generally fared little better. Sometimes the only water holes in extensive dry areas were fenced in. In other cases school lands and private lands were inclosed without the consent of the owners. The first lease law enacted in 1883 proved more favorable to the large cattlemen than to the small ones and actual settlers. The population divided into free grass and pasture men,—the former representing free grass for the many, the latter free grass for the few. Great bitterness arose between them, outbreaks of violence occurred, developing finally into a mania for fence-cutting. Governor Ireland regarded conditions so grave that he convened the Legislature in special session in January, 1884.

Fence-cutting was made punishable by imprisonment in the penitentiary, but those who unlawfully enclosed public and private lands were punishable by fine only.

Fence-cutting had some points in common with labor strikes. Both were due to oppressive conditions created in defiance of law. In each case remedial measures were much more effective in dealing with the aggrieved than with the aggressor. The punishment of the fence-cutter was much easier than to compel the cattle companies to take down their fences from around school and private lands, or even to make them pay a just rental for their use. In an address delivered in April, 1886, two years after the above named law had been passed, A. W. Terrell said, "I hold in my hand a map copied from one made by a grass commissioner of the land board, which shows twenty counties of the Panhandle in one block, wired in, every acre of them, in pastures built generally by corporations. Inside of those pastures are millions of acres of unrented and unsold school land, which are appropriated in defiance of law." The chartering of cattle and land corporations was stopped in 1885.

The refusal of the cattle corporations to pay "for the children's grass" was deeply resented by those residing in the thickly settled portion of the state. The westerners, on the other hand, contended that the lease law ought to be repealed, because it furnished to the pasture men the chief support for their monopoly, and by so doing placed an embargo upon the further settlement of the West. "You have given one-half of this country [the West] to corporations for building railroads, not one mile of which was ever built west of Fort Worth. You have endowed your blind, lunatic and deaf asylums out of the lands of that country and have given 3,000,000 acres to erect a state capitol,

and now you demand that the balance be leased out to educate your children." (M. A. Spoonts' address to Democratic State Convention, 1886.)

The building of pastures had much influence upon the cattle industry. Better control of the herd resulted in improved stock. The uncertainties of the range during drought or winter turned the attention of the stockman to agriculture as a source for additional feed supply. The ravages of Texas fever paved the way for live stock sanitary regulations. As the cost of production increased the decline of prices caused no little dissatisfaction among the stockmen. The settlement of Kansas and Nebraska closed the "trails" over which great droves of cattle had formerly been driven to market. The subject of railroad rates, and the combinations of packers to control prices caused the cattlemen much worry. They readily joined the farmers in their demands for regulation of freight rates and for anti-trust laws.

The business of no other class of population in the South suffered greater change through the war than the agricultural. The accumulated savings of several generations of the planters were swept away when the slaves were set free without compensation. The recent immigrants as a rule were poor. In his address to the second annual meeting of the Texas State Grange, 1874, Master W. W. Lang described conditions in the following words: "The planters of the state generally are in debt. * * * Cotton planting for several years has been attended with actual loss of money. The effort of the Southern agriculturists to produce cotton to the exclusion of all other crops has brought distress upon the country. It is a sad condition. The question then comes to the planter with terrible earnestness: What shall I do? How can I rid myself of the galling slavery of debt? One of the primary purposes of the order of Patrons of Husbandry was to bring the farmers to a cash basis—to buy for cash and to sell for cash; it will be your duty to inaugurate some system which will tend to aid the farmer to bring about this happy condition, and if you succeed in breaking up the great cotton monopoly in our agricultural system by diversifying our pursuits and filling our storehouses with bread and provender for man and beast, you will have accomplished a great blessing for our country. Our tillers of the soil have to unlearn many habits of planting under the system of slave labor; they have to forget they ever were planters and learn to be independent farmers."

The Texas State Grange was organized at Dallas, October 2, 1873. Within two years after organization its membership was 40,000. In 1884 the membership was about fourteen thousand, and thereafter it gradually declined through the rapid growth of the Farmers' Alliance. The Grange did not originate in Texas as did the Farmers' Alliance and the Farmers' Union. It had passed its experimental stage before entering this state. Its advent marked a new era in farming. For the first time Texas farmers banded themselves together to improve their social, educational, and material condition. The activities of the order included many matters non-political in their nature, but some of the changes it sought to bring about required legislation and, therefore, involved more or less political activity.

To elevate the farmers "out of the old paths, where they have been

INTERNATIONAL BRIDGE AT BROWNSVILLE

so long journeying," the lever of education was selected. The educational scheme embraced the entire farm population: for the adult the Grange, for the youth the A. & M. College, and for the children the public free schools. When the Grange was organized in this state the free schools were viewed with little favor by many. In each annual address from 1877 till 1890, the Master of the Texas State Grange called attention to the public free schools and the A. & M. College. The introduction of the principles of agriculture in the rural schools was advocated from 1877 forward; more liberal support, local taxation, and longer school terms were also urged. For several years after it was opened the A. & M. College gave little attention to agriculture and the mechanic arts. This condition the Grange deplored and gave assistance in securing larger appropriations, until the school became what its name implied. Farmers were urged to give their sons the advantages it offered. A demonstration farm was suggested in 1877, and an experiment farm was recommended the next year. The need of a school where girls could be taught domestic science and all arts that adorn the home was set forth in 1881 and kept on the program thereafter.

"The Grange is our school, where we are to discuss all important questions that affect the public welfare, and to the extent that we are enlightened will intelligent action follow." A vigorous protest was made against the levying of a tax on land and an additional tax on the products arising from that land before such products had been placed upon the market. A constitutional amendment, adopted in 1879, exempted from taxation farm products in the hands of the producer. Marketing farm products engaged much attention. The collection of agricultural statistics for the information of the farmer, fraudulent weights by cotton factors and others, the selection of public weighers, and the prohibition of speculation in cotton futures were some of the problems dealt with. The reduction of freight rates and the improvement of Texas harbors were advocated many years before important results were obtained.

The one thing that loomed largest in the Granger's horizon was the railroad. He wanted the railroad, but he wished to curb its inroads on his profits. As early as 1875 complaint was made about "the fearful rate of freight we have to pay upon all the implements of husbandry imported into this state." The farmers early put themselves on record as being opposed to profligate and greedy mismanagement of railroads, and "to any and all efforts on their part to control the legislation of the country, to influence the courts or to override law and justice." Taking time by the forelock, a resolution was adopted calling upon the constitutional convention to "insert a clause in the constitution binding the legislature to regulate the charges of freight and fare on railroads." This was done, but it was many years before any legislature attempted to carry out this command. In his annual address in 1882, Master A. J. Rose said, "The subject of regulating the charges of railroads by law has been continually agitated by our organization from its early history. * * * It took the initiative step against the tyranny of Monopolies. * * * The constitution of Texas declares that 'the legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger

tariffs on the different railroads of the state, and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passenger and freight on said railroads, and enforce all such laws by adequate penalties.' * * * Nearly seven years have expired since its adoption and no law regulating freight charges as contemplated by the constitution [has been passed]. * * * It is of common occurrence for them to charge more for a short haul than for a long one, thereby damaging one section for the benefit of another, and charge one citizen more for the same service rendered than another." Each year the Grange returned to this subject with greater earnestness. In 1884 a resolution was adopted, declaring "that the Texas State Grange will not directly, nor through its officials, from this time forward ask the railroads for any reduction of fare." Another resolution stated that, "Believing it to be wrong and corrupting in its practice for any legislator or judge to accept free passes from railroad corporations, we respectfully ask that our next legislature pass a law making it a high misdemeanor for any officer of any corporation to offer, or for a judge or legislator to accept a free pass from any railroad." In 1885 Master Rose said, "Texas has given sixteen sections of land per mile for the construction of her railroads. This land was the property of her citizens, which at present prices would more than build all the roads in Texas. * * * Notwithstanding this they will bring freight from points hundreds of miles beyond our border to the most distant points in the state for less than they will from one point to another within the state. * * * The roads of the state are dependent upon the farmers for an existence, and yet the farmers cannot get the advantages even equal to those who live out of the state." Congress passed the interstate commerce commission law in 1887. John H. Reagan, the author, was a Texan and a member of the Texas State Grange. The next year the order declared for a railroad commission for Texas.

Railroads, however, were not the sole cause for complaint by the farmers. There were many other subjects that received attention. Speaking of the existing agricultural depression, Master Rose in his address, 1891, said: "There are many things which contribute to this depression, viz: The contraction of the currency, the protective tariff, high rates of interest, high salaries, unequal taxation, the surplus middlemen who stand between the producer, consumer and manufacturer, trusts that depress the markets of agricultural products while in the hands of the producers, the credit and mortgage system as now generally practiced, the thousands who live in idleness at the expense of labor, the heavy outlay by farmers for articles of consumption that could and should be raised at home—these all help."

The Farmers' Alliance was started in Lampasas County, Texas, in 1875, by a number of farmers as a defensive league against the encroachments of land sharks. "The history of the move, from its inception to 1886, was not attended with much interest. It had grown by August, 1885, to the number of about seven hundred sub-alliances, and had changed its objects and workings until they resembled very closely those of the present. From August, 1885, to August, 1886, a most prodigious growth was recorded; the increase was about two thousand sub-

alliances. Among the reasons for this rapid growth, and probably one of the more potent, was the fact that all other occupations were either organized or were rapidly organizing, and the farming interest was unable to cope with them unorganized. * * * Again, the results of combination had reduced the price of all products the farmer had to sell to such an extent that in many cases they would not pay hirelings' wages. * * * The rule was that a year spent in the most vigorous labor and rigid economy would, with good management, yield a bare subsistence, and in many cases it yielded less; and would finally result in a surrender of the farm to the mortgagee merchant, and the addition of one more family to the army of renters." (Annual address of President C. W. Macune, 1887.)

At the annual meeting of the State Farmers' Alliance at Cleburne, August, 1886, the following demands of the state government were adopted: The sale of all public and school lands in small tracts to actual settlers on easy terms of payment; taxation at market value of all lands held for speculation by individuals and corporations; prohibition of alien ownership of land; the prevention of dealing in futures of all agricultural products; the removal of fences from public and school lands unlawfully enclosed by cattle companies, syndicates or other corporations; the enforcement by the attorney general of the payment of all state and county taxes from corporations; the assessment of railroad property for taxation at an amount equivalent to that on which dividends are based; the regulation of freight rates, the prevention of rebates and pooling of freights; and compelling corporations to pay their employees according to contract in lawful money. These demands were advocated with much fervor, and the Alliance grew with astounding rapidity. By June, 1888, there were 3,673 sub-alliances, 143 county alliances, with a membership of 225,000.

Neither the Grange nor the Alliance were political parties, but they exerted an influence on existing parties in the shaping of their platforms and in the selection of their candidates. The discontent existing in political ranks manifested itself by the appearance of a "third" party and independent candidates. The Republican party had a very small following in this state, partly because of its bad record, but chiefly on account of the measures supported by the national organization—contraction of the currency, strengthening of the national banks and protection to manufacturers—matters regarded as inimical to the prosperity of the Southwest.

In 1878 W. W. Lang, who had been Master of the State Grange since 1874, became a candidate for the Democratic nomination of governor, but was obliged to give way to a compromise candidate. The Greenback party perfected a state organization in March, when a platform was adopted which set out by saying, "Whereas both the old political parties have [failed to give equal protection to every individual,] have encouraged sectionalism, fostered monopoly and carried on a financial system so radically wrong as to pauperize the masses to support a chosen few in idleness and luxury," therefore, this new party. In the declaration of principles, after disposing of the financial measures, it declared for equal taxation of property of individuals and corporations; universal manhood suffrage without property qualification; an efficient

system of public free schools; a graduated income tax; opposition to grants of public land to railroads or to other corporations; efficiency and economy in the administration of the government. At a convention, held in August, candidates were nominated and the following additions made to the platform: "We demand the passage of such laws as will prevent all combinations, discriminations and granting of rebates by any transportation companies, and compelling common carriers to furnish the same facilities and perform the same service for the same price to all men." O. M. Roberts, the Democratic nominee for governor, and the Texas congressman made a thorough campaign through North Texas, where the Greenbackers were thought to be strongest. They polled 55,000 votes.

The Texas State Grange met at Austin in 1880. Governor Roberts delivered an address before the farmers, and in other ways conciliated them and invited their co-operation. The Roberts' policy of retrenchment and reform was indorsed. The Greenback candidate received only 22,500 votes.

The Greenback platform of 1882 was the most sweeping of all in its criticism. "We declare that the Democratic party was put into power to right the wrongs inflicted upon us by the Republican party, which wrongs consisted in part in involving the state in debt and in granting enormous subsidies to corporate monopolies. We declare that the Democratic party has betrayed its trust. It has doubled the debt. It has exempted the lands of the International Railroad from taxation. * * * It has issued land certificates to railroads, irrigating companies and pretended canal companies to the amount of many million acres in excess of the public domain. It has robbed the public school fund and our people of homes; established gigantic land monopolies in our midst by granting to four Chicago capitalists 3,000,000 acres of public domain to build a state house. It has inaugurated a system of class legislation in favor of the rich by refusing to sell the public domain in tracts less than 640 acres, thus depriving her men of the opportunity to acquire homes in our state. It has sold bonds at eighty-five cents, and bought them back at \$1.40. It has persistently refused to exercise the constitutional prerogative of state control over railroads. It has withdrawn from circulation in this state over a million and a half dollars and piled it up in the treasury as useless cash balance, save for electioneering purposes, and at the same time has refused to make the constitutional appropriation for the support of the public schools upon the false plea of insufficient revenue. It refused to submit to a vote of the people the question of prohibition, though petitioned to do so by a large and respectable portion of the citizens of this state. * * * Under a pretense of favoring the laboring men it has exempted from taxation the cotton and sugar crops of the wealthy and at the same time has taxed the mechanic's tools. In redistricting the state it resorted to shameless and outrageous gerrymandering. * * * In short, the Democratic party of Texas has ceased to be Democratic, but has become a close corporation run by and in the interest of a syndicate of machine politicians." No candidates for state offices were nominated, but the support of the party was pledged to independent candidates, endorsing the above principles. The Democrats trimmed their platform

to meet some of the charges. George W. Jones, the independent candidate for governor, received 102,501 votes; Ireland, the Democratic candidate, received 150,891 votes.

The Democratic platform of 1884 showed even a greater desire to take the wind out of the sails of their opponents and to meet the demands for reform. It declared for a free ballot and a fair count; an efficient system of public free schools; leasing of the school lands until purchased by actual settlers; greater protection for mechanics and laborers through liens; limiting the amount of land owned by corporations and the prevention of landed and other monopolies; and for immediate regulation of the transportation of freight by common carriers. The Greenbackers thereupon denounced the Democratic platform "as being everything to everybody and nothing to anybody." The vote in 1884 showed that the Greenbackers had again lost ground, and thereafter this party disappeared from Texas politics.

CHAPTER XXXVIII

PROGRESS AND REFORM

"DEMOCRACY IS STRUGGLING FOR THE RIGHTS OF MAN AGAINST THE RIGHTS OF PROPERTY"

The disappearance of the Greenback party after 1884 did not mean that the causes of dissatisfaction with political conditions had been removed. There were still more than one hundred thousand discontented, independent voters in Texas. The phenomenal growth of the Farmers' Alliance and the Knights of Labor during 1885 and 1886 promised to give greater unity and effectiveness to the demands of the plain people. To the consternation of politicians these organizations plunged into the campaign of 1886 with the ardor of new converts. "These orders know their strength, and knowing it will certainly take advantage of the power it gives them." A prominent knight was quoted as saying, "It has been demonstrated that strikes are failures: we must try something else. You may look for us at the ballot-box and in the primaries." An effort to organize an anti-monopoly or peoples' party was made. A prohibition party was formally launched. And within the Democratic ranks numerous candidates offered for the various offices. Candidates and newspapers discussed the lease law, regulation of freight rates, control of corporations and other practical, current state questions.

The Legislature is the most important branch of our government. Except where inhibited by the Constitution, it wields the sovereign power of the people. When impelled by the will of the people its acts can produce the greatest good. In the House of Representatives of the Twentieth Legislature more than one-half the membership served for the first time; the farmer element predominated and held the balance of power. "The present Legislature was elected as a reform body. The people cried out against the politicians, and filled the lower house with hayseed." (Fort Worth *Gazette*.) The new governor and attorney general, too, as their records soon showed, were the right men in these offices at this time.

In his inaugural address Governor Ross said, "Probably no Legislature was ever confronted by graver responsibilities. Those who study the public affairs of our state, and consider the want of homogeneity in its population, its industrial pursuits, business enterprises and social sympathies are aware of the fact that it presents questions vastly more complicated and embarrassing than any other state." The first question to engross the attention of the Legislature was the election of a United States senator. Sam Bell Maxey, Ex-Governor Ireland, John H. Reagan and A. W. Terrell were candidates. As a result of the thirtieth ballot Reagan was chosen; his choice was regarded as peculiarly a

victory for the people. Of the measures enacted by the Twentieth Legislature, mention should be made of the law prohibiting "dealing in futures in cotton, grain, lard, any kind of meats or agricultural products, or corporation stocks." The law regulating the sale and lease of school and other public lands abolished the land board and vested the commissioner of the general land office with the duties pertaining to this important subject. This act greatly increased the power of this officer, and, since the public lands were mostly located in the West, his administration has been of especial interest to those identified with that section. To remove the complaint that the lease law prevented settlement, agricultural land was not subject to lease and grazing land could only be leased if not in immediate demand for purposes of actual settlement. Agricultural land was sold to actual settlers only in quantities ranging from 160 to 640 acres. Grazing land might be purchased in quantities up to four sections. One-fortieth of the purchase price was payable each year. No land could be purchased by corporations. Foreign corporations before beginning business in Texas were required to obtain a permit. Railroads were required to give employees thirty days' notice of any intended reduction of wages, to pay promptly to discharged employees the wages due them, and all persons engaged in construction, repair or operation of railroad property were given a prior lien upon such property for wages due. Railroads were required promptly to furnish shippers with cars and to interchange with connecting lines freight and passengers without delay or discrimination; consolidation of parallel or competing lines was prohibited; and a joint resolution required the attorney general at once to institute suit against all railroad companies and others for the forfeiture and recovery of all lands and grants made to them by the state, that had failed to comply with the law or the requirements in their charters to alienate such lands. Among the constitutional amendments submitted was one providing for state prohibition. Indicative of the spirit of the times are the following measures which the House of Representatives passed, but which the Senate failed to pass: Bills prohibiting pooling by railroad officials; prohibiting the watering of stocks and bonds by railroad companies; prohibiting fire and marine insurance companies from entering into combinations to fix rates in Texas, establishing a railroad commission, and forbidding the use of free railroad transportation by state, district and county officers. Thirty-two members of the Legislature, when the failure of these measures became clear, signed a protest against the actions of their colleagues.

The constitutional amendments voted upon August 4, 1887, were defeated. The one relating to prohibition created most excitement. "Its discussion," said Ex-Governor Roberts, "produced the most exciting political contest that had occurred in Texas for a number of years. It enlisted in the canvass not only the habitual politicians, but also citizens of every class, including preachers and women, both white and black. The moral question involved in it stirred up society to its very foundation with a greater manifestation of universal feeling and interest than had ever occurred before in Texas. Nor were the exertions for victory confined to public speaking. Those who supposed they had influence exerted it in any way they could. It was not confined to the day of the

election, but the work went on day and night for more than three months before. Those in favor of it argued that it was the right and duty of the government as a police regulation to prevent the evil of intoxication with all its destructive consequences. Those opposed to it argued that it was a sumptuary provision that unjustly deprived the citizen of his liberty. Indeed, it may be said that the arguments *pro* and *con* were multiform and multitudinous, and neither side of the controversy was convinced by the other. Still, like all other great commotions of society, it left an impression that was not effaced in the struggle. There has been since that time a large increase of local options adopted in counties and precincts in Texas for the discouragement of the use of intoxicants." (Comprehensive History of Texas, II, 268-69.) The prohibition amendment was defeated by a vote of 129,270 for and 220,627 against it.

Nothing daunted by previous failures, those dissatisfied with Democratic administration in Texas determined to place their own candidates in the field in 1888. The presidential campaign attracted much attention, and much of the criticism stirred up by the conduct of the national Democratic party was used by the Independents in their attacks upon the Democrats of Texas. Prohibitionists, Republicans, Union-labor and Nonpartisans held conventions. Of the four the Nonpartisans, or Independents, who claimed to represent the farmers, laborers and stockraisers, appeared to be strongest, and they received the support of the other three. The Democratic platform declared for laws restricting freight charges of railways and express companies, and to prevent discrimination in charges against any points within the state, for laws defining and suppressing trusts, pools and all illegal combinations in restraint of trade, and for a deep water harbor on the coast of Texas. Ross and Hogg were renominated by acclamation. The campaign "agitated the entire state and stirred its people to the profoundest depths," but the Independents were able to poll only 98,447 votes against the 250,338 cast for Ross.

The Twenty-first Legislature was the first to assemble in the magnificent new granite capitol. "The air is full of railroad legislation," reported a newspaper correspondent. "Nobody can tell what it will be except that there will be a commission; that much has been decided upon, and unless it can be headed off in the Senate a railroad commission will have charge of the transportation of freight in Texas before twelve more moons." Governor Ross had become an active supporter of the measure. A legislative committee of the Farmers' Alliance worked for its passage. The bill passed the House February 21st by a vote of 66 to 25. Popular interest was raised to an extraordinary pitch. The newspapers were filled with interviews and discussions, tending mostly to show why the bill should not become law. It was suggested that a committee be appointed to investigate the working of such commissions in other states. The improvement of a deep harbor on the coast of Texas, it was argued, would regulate freight rates by placing water communication in competition with the railways. It was claimed, too, that so important a subject as the creation of a railroad commission should be submitted to a vote of the people. To all this the supporters of the measure replied, "The bill now before the Senate, and that of two years ago, has continually been under discussion in the lodge rooms of Grangers

and Farmers' Alliance. The farmers understand this question and nine-tenths of them demand its passage . . . Kill the commission bill and you murder the Democratic party of the state, defeat the promises of the party made from time to time for years." (Senator Claiborne, in *Fort Worth Gazette*, March 5, 1889.) After exhaustive debate the bill was killed in the Senate, the fourth or fifth on this subject to suffer a like fate.

The chief argument brought against the bill creating a railroad commission was the one alleging its unconstitutionality. The Constitution commanded the Legislature to regulate railroads; it was maintained that the Legislature could not delegate this power to a commission. An amendment to the constitution removing this objection was, therefore, submitted to the voters for decision at the next general election. Other important measures enacted by the Twenty-first Legislature required Texas railroads to keep their general offices and their shops at some point on their lines in this state; another law defined conspiracies against trade by combinations and trusts and prescribed penalties; a joint resolution provided for a committee, to act with committees appointed by Kansas and other states, to investigate the pork and beef trust, and another resolution requested Texas representatives in Congress to assist in procuring a deep harbor on the coast of Texas.

The submission of an amendment to the constitution on the subject of regulating railroads transferred this subject from the legislative halls to the political hustings. While the vote would not be taken until the general election in November, both sides recognized that its fate depended largely upon the action of the Democratic state convention. The amendment, therefore, occupied a prominent place in the speeches of the candidates for governor. Hogg in his opening speech championed the amendment; he showed the urgent need for a commission with power to make and enforce rates. What gave significance to Hogg's endorsement above that of the other candidates who favored the amendment was his official record and his personality. When Hogg was nominated attorney general he was scarcely known outside of East Texas; after he had been in office six weeks he filed the first of a series of suits that made his name known and respected throughout the country; when he quit the office of attorney general he left it endowed with a record for service in behalf of the people that has spurred the ambition of each of his successors. He put out of business about forty "wild cat" fire insurance companies that were operating in this state in violation of the law. He compelled the railroad from Beaumont to Sabine Pass, which had suspended operation, to reconstruct and equip its properties and resume business. He enjoined the Texas Traffic Association, a pool that had killed competition among Texas railroads, and brought about its dissolution. Attempts to revive the combination with headquarters outside of Texas were successfully frustrated. Railroads were compelled to return their general offices and shops to points on their lines within this state, and their control by outside concerns was terminated. The East Line & Red River Railroad was placed in the hands of a receiver for abuses of its charter franchises; this was the first instance of the state exercising such authority. He sued for and recovered lands from railroads that had been obtained for turnouts, sidings and switches. These various proceedings gave him a

comprehensive knowledge of the abuses practiced by railroads, and prepared him for advocating effectual measures for correcting them. As no other person in the state could have done, he demolished the stock argument of corporation advocates that the railroads should be regulated by law and not by a commission, for he had tried regulating them by law. Hogg was bent on enforcement of the laws; "they are but the commands of the people to their officers." He was a man of the people, and they gave him their confidence and support.

The Democratic state convention was controlled by delegates instructed for Hogg and the commission. The amendment was adopted, and the law enacted in 1891 created one of the strongest commissions in existence at that time. Many deemed its powers too radical. "The great defect of our railroad laws generally," said Governor Roberts, "has been the want of adequate and practicable remedies to enforce what is legally required of them." The new Texas commission could not only classify freight and fix the rates for railroads and express companies, but it was specially empowered to enforce the obedience of the railroads. John H. Reagan, United States Senator, yielded to the urgent request of Governor Hogg to accept the chairmanship of the commission. His action in resigning a high office with a large salary to accept at a smaller salary the much more difficult and burdensome task of inaugurating the new railroad commission was a fine act of patriotism. The commissioners organized June 10, 1891, and at once set to work to make equitable rates. In most cases the rates were reduced below those nominally in force, for it was found that the railroads were allowing rebates and special rates below their published rates. The beneficial results of regulation were soon shown by greater activity in intra-state shipments, in the construction of mills and factories within the state and in better prices for farm products.

Those who had opposed the creation of a railroad commission were not inclined to submit to its control without a contest. On April 30, 1892, the Farmers' Loan & Trust Company, of Baltimore, filed suit in the Circuit Court of the United States for the Western District of Texas against the railroad commissioners, etc., for the purpose of restraining them from enforcing the rates established on the International & Great Northern Railroad, because it was claimed these rates were so low that they did not permit the road to earn operating expenses and interest on the bonds and were, therefore, confiscatory. It also attacked the constitutionality of the act creating the railroad commission. Similar suits were brought by five other roads. On August 22, 1892, the commission was temporarily enjoined from enforcing its rates on the roads of the plaintiffs. The suit was carried to the Supreme Court of the United States and the constitutionality of the Texas railroad commission law was fully sustained, but the enforcement of the rates already established was enjoined.


During the year and a half that the work of the commission was at a standstill, the railroads increased their rates, practiced the abuses in which they had formerly indulged and once more demonstrated to the people of Texas the great desirability of adequate railroad regulation.

While the constitutionality of the commission law was pending in the courts, it was assailed from another quarter. Under the ostensible

plea that the vigorous enforcement of the laws and the advocacy of new measures for the control of corporate business had crippled business, frightened away capital and checked immigration, the transportation, commercial and financial interests in the Democratic party organized to prevent Hogg's re-election. Judge Clark, who had led the fight against the adoption of the commission amendment, was selected to lead their cause. The supporters of Governor Hogg at once branded the scheme as an attempt to overthrow the commission, and the campaign again was waged on this issue. The Clark forces denied that they planned to abolish the commission, but advocated popular election of commissioners to be "clothed with such constitutional powers as may be requisite for the protection of the people against injustice and extortion." The new Populist party also declared for an elective commission. The friends of the existing law pointed out that the election every two years of a new commission would not only seriously handicap this body, but would be a constant temptation for the railroads to enter into politics. They were willing to make the commission elective, if the terms of the commissioners were extended to six years and only one commissioner chosen at each biennial election. Hogg was renominated. An amendment to the Constitution, extending the term of railroad commissioners to six years, was submitted in 1893 and adopted at the next general election.

"There can be but little doubt that the most important results achieved by the state through the work of the railroad commission have been the almost complete abolition of discriminations between persons and places, and of the fluctuations in rates due to competition and rate wars. Steady and uniform rates are far more essential to the business community than low rates, and these two qualities have been secured in larger measure as a result of the commission's work." (Potts' Railroad Transportation in Texas, 172.) The prevention of discrimination was exceedingly difficult, and was accomplished by providing the commission with liberal funds with which to prosecute investigations and suits for violations of law and finally by the passage of an act in 1899 prescribing a penalty of from two to five years in the penitentiary for any railroad official who should be found guilty of granting rebates or unjust discriminations. The most tenacious form of discrimination to succumb was the free pass evil. Denounced for more than twenty-five years, it was not stamped out until the act of 1907 largely suppressed it.

Intimately connected with the subject of fixing freight rates was that of controlling the capitalization of railroads. "Next to the commission," said Governor Hogg, "I regard the regulation of the issuance of stocks and bonds by railway companies as the most important question affecting public interests . . . The railways of this state . . . have outstanding against them \$455,250,744 in stocks and bonds, or an amount [equal to] more than one-half the assessed valuation of all the property within the state, including the railways themselves." He showed that the railroads were rendered for taxation at a valuation of only \$63,000,000 or less by \$392,000,000 than the amount of their indebtedness. For the past seven years the railroads had increased their obligations on an average of \$30,000,000 annually. The railroads claimed a right to earnings sufficient to cover all their expenses and interest on



their indebtedness. The courts sustained their contention. The result was that the people of Texas were confronted with the unwelcome prospect of paying the interest on a huge debt created in violation of the Constitution for the benefit of railroad manipulators. "If a man attempts to impose an obligation on another in writing without his consent, he is guilty of forgery and subject to imprisonment in the penitentiary . . . What is the difference in principle distinguishing such an act from one where a corporation in fact imposes upon and makes the public pay millions it does not owe?" The enactment of a stock and bond law was an issue in the Hogg-Clark campaign. The platform of 1892 demanded its enactment. Governor Hogg urged the same upon the Legislature that assembled in 1893, saying "fictitious bonds are not capital nor the representatives of capital; they are the fruits of crime." The law enacted empowered the railroad commission to ascertain the value of every railroad in the state. The values thus ascertained were to form the basis for all future issues of stocks and bonds, and no other indebtedness secured by lien or mortgage on a company's property could be issued in excess of these values. The railroad commission was given ample power to give effect to these provisions, each bond having to pass through its hands and to be registered by the secretary of state to be valid. The fixing of the values of the railroads, of course, forms the crux of this measure. Values increase and decrease; the railroad commission has adhered to its original valuations. With the advance in values railroads have clamored for revaluations. Since the indebtedness on railroads already built, when the commission's valuations were made, exceeded by far their real value and which the commission had no power to reduce, any increase in their properties has served to establish a more equitable ratio between value and outstanding securities. The stock and bond law "has not only stopped the increase of fictitious stocks and bonds, but has actually resulted in a decrease in the average amount of the outstanding securities per mile of line. This result is worthy of remark in view of the fact that the last twenty years have seen a marked increase of the outstanding capitalization on the other railroads in the United States. The average amount of capital stock per mile of line in Texas has been reduced from \$15,000 in 1894, to \$8,400 in 1913, or a decrease of more than 44 per cent. The bonded indebtedness per mile of line has been reduced from \$25,700 per mile to \$23,200, or a decrease in the mortgage debt of nearly 10 per cent. The total amount of both stocks and bonds has been reduced from \$40,800 in 1894, to \$31,600 in 1913, or a reduction of more than 22 per cent." (C. S. Potts, in *The Annals of the American Academy of Political and Social Science*, May, 1914, p. 164-65.)

Closely related to the effort to control the indebtedness of railroad corporations was the law regulating and restricting the issuance of bonds by counties, cities and towns. A number of counties and cities had contested the validity of their bonds; thereby innocent purchasers were subjected to expensive and tedious legislation, and stains of fraud were cast upon securities bearing the name of Texas. A law was enacted which provides that bonds can be issued upon following conditions only: the levying of an annual tax sufficient to pay interest and create a sinking fund, rate of interest not to exceed six per cent, and term of the bonds

not to exceed forty years. The attorney general must examine each proposed issue of bonds to ascertain whether these conditions have been observed, and the comptroller must register the bonds in his office. When these requirements have been observed, the validity of bonds cannot be called in question. A large portion of the permanent school fund is invested in bonds of cities and counties; but the law was broader in its bearing than securing this fund against loss; careful scrutiny tends to reduce extravagance, undoubted validity made possible a low rate of interest and has gained for Texas securities an enviable reputation in the markets of the world.

"There is a land famine in most of the old world and in many sections of the new. In the natural drift of affairs it may reach Texas within the next generation. Nothing can so readily precipitate it as the land corporation." (Governor Hogg's message to the Twenty-third Legislature.) Land corporations at that time owned about forty million acres, or one-fourth of all the land in Texas. An act was passed declaring the unrestricted ownership of land by private corporations a perpetuity, and therefore prohibited by the constitution. The chartering of land corporations had been prohibited since 1885, but foreign corporations were still permitted to acquire lands in this state. Further acquisition or ownership of land by land corporations was prohibited, except in payment of debts due. The lands then owned were required to be sold within fifteen years, and those that might be acquired in payment of debt must be sold within fifteen years after such acquisition. No corporation is permitted to hold more land than is necessary to enable such corporation to do the business for which it was chartered in this state. Lands in excess of such purposes acquired in the collection of debt or otherwise must be sold in good faith within fifteen years after their acquisition. To enforce this act provision was made for selling the lands of refractory corporations by judicial proceedings. Corporations for the lease, purchase, sale of subdivisions of land within incorporated towns and cities and their suburbs are not included in the terms of this act.

A second act dealt with the subject of alien ownership of land in this state. It provided that from that time forward no alien or person who is not a resident of the United States shall acquire title to or own any land in this State, except in the ordinary course of justice in the collection of debts. The law did not prohibit the acquiring of liens or the lending of money and the securing of the same upon real estate. Aliens owning land in Texas were permitted to retain possession, but as soon as these lands changed ownership this act became operative. Aliens who acquired land subsequent to the passage of this law were allowed ten years within which to sell the same. In case of failure to sell, provision was made for sale through judicial procedure. The law in its terms applies only to rural property. It expressly permits aliens upon equal terms with all other persons to hold lots or parcels of land in incorporated towns and cities.

Amendments to the Constitution were adopted in 1891 which substantially replaced Article V, creating the judicial department. Beginning with Governor Coke each governor had recommended reform of the judiciary. The new article finally accomplished a reform. In many respects the present organization of the judiciary, no doubt, is superior

to the one discarded, but there is still much complaint upon the heads of prompt and business-like dispatch of cases and the cost attending suits. Not only was the reform of the judiciary noteworthy, but the judges that were selected were men of exceptional probity and learning; a number of them, after a lapse of twenty years, are still members of the courts to which they were originally chosen, and others stood at their posts until they responded to the summons from beyond. The higher courts of the state were manned by judges in sympathy with the reforms then making, and presented a wide contrast to the federal judges then in Texas, whose freedom in granting injunctions and declaring state laws unconstitutional occasioned the recommendations, that life tenure be abolished, which appeared in successive Democratic platforms about this time.

Summing up the results of the reforms of his administration Governor Hogg said, recently the foundations of the state "have been relaid strongly, securely, to the end that the sovereign people may maintain, control and operate their governmental affairs at the lightest expense, without menace from any source." In an address before the Texas house of representatives, January, 1897, W. J. Bryan said, "I have been gratified the better acquainted I have become with the laws to know that in the matter of securing just and efficient laws the state of Texas is taking the lead among the states of the Union. In fact, I doubt if any state in the Union has reached a more advanced position on the question of corporation law—in the regulation of these great corporations, which to a great extent are doing the work of the country." (House Journal, 1897, p. 123.) Senator Culberson, in a speech at Dallas, October, 1912, pointed out that, instead of originating in certain Republican states, notably in Wisconsin, "this progressive movement began in the Democratic state of Texas under the leadership of James S. Hogg ten years before La Follette was governor of Wisconsin and while Roosevelt was police commissioner of the City of New York.

"This movement took form in Texas in 1890, when corporate and selfish interests here were beginning to be more powerful than was consistent with the general welfare, and which, had they not been promptly curbed, would finally have placed this state under a corporate rapacity as insatiable and oppressive as that which prevails in California and Pennsylvania. . . .

"The purpose in Texas then was not to replace a representative with a pure Democracy, not to govern by the people in mass rather than by their chosen representatives, but to make representative government more efficient and more truly representative of the whole people, and to regulate and hold in check corporations which were levying unrestrained tribute upon the people." (Dallas News, October 19, 1912.)

The period of reform was marked by extraordinary political activity. The Hogg-Clark campaign of 1892, with its mottoes of "Hogg and the Commission" and "Turn Texas Loose," was in many respects the most remarkable contest the state ever witnessed. Public interest in the election was universal and popular feeling in certain localities approached closely to partisan fury. The contest ended in a split of the Democratic state convention into two factions—a progressive Democracy led by Hogg and a conservative Democracy led by Clark. The silver question,

although a national issue, strengthened the breach. During this year the Populist party entered the lists in this state; it was skillfully led and drew a large support to its declaration of principles and proposed reforms. Many were dissatisfied with the monopolistic tendencies of the national Democratic party and with the domination by a political machine of the party at home. The contest between Hogg and Clark arrayed the machine forces on one side and the plain people on the other. Hogg received 190,486 votes, Clark 133,395 and Nugent 108,483. The Democratic victory, however, did not check the growth of the Populist party, notwithstanding that many of the reform measures received their hearty endorsement. (The Life Work of Thomas L. Nugent, 204.) The Pullman strike, which extended to this state, and President Cleveland's high-handed method of dealing with it caused much dissatisfaction. Cleveland's anti-silver policy, the panic of 1893, resulting in monetary stringency, falling prices and low wages vexed and distressed the people, leaving them little to hope for in the future in the way of relief from existing unhappy conditions should the Democrats continue in power. The campaign of 1894 promised to be a severe test of the Democratic party's strength in Texas. In March peace was made between the Hogg and Clark factions at a harmony meeting held for that purpose. Among the candidates for governor were Charles A. Culberson, John H. Reagan, John D. McCall and S. W. T. Lanham—all prominent, capable, "free-silver" men.

When Hogg entered the race for governor in 1890, he was deeply interested in the choice of an attorney general who would conduct the office along lines in harmony with his own policies. It was partly at his suggestion that Culberson entered the race, and the latter conducted the office with eminent ability as well as fidelity to the policies of Governor Hogg. The race nevertheless was very close; a short time before the convention the governor openly supported the attorney general; still a "deadlock" seemed in prospect for the convention. To avoid this contingency, a resolution was offered to abolish the two-thirds rule in making nominations, and after much debate it was adopted by a vote of 481 to 374. The two-thirds rule had been strictly adhered to in this state from the earliest conventions, but its abolition was followed by another resolution "that hereafter the relative strength of each candidate in the several counties shall be allowed to be represented in the state convention." With the party machinery then in use this suggestion was impracticable. The platform, however, demanded the enactment of a primary election law, and the one passed in 1905 gives to each candidate the benefit of every vote cast for him in determining his standing before the state convention. This provision has greatly increased the importance of the individual voter and proportionately minimized the importance of the convention. Culberson received the nomination, but was furnished a platform which declared against "free silver." He had expressed his views upon this subject before his nomination, and did not alter them afterwards; it was purely a national question, but the dissatisfaction of the gold Democrats was increased nevertheless. The election resulted in 207,167 votes for Culberson and 152,731 for Nugent. The state's finances and the condition of the country made economy imperative; important reductions were made in

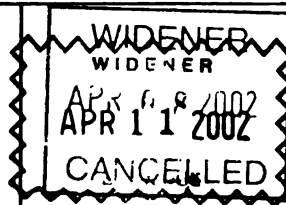
official fees. A voluntary arbitration law, a fellow-servants act, and the first primary election law were passed. The anti-trust law was amended so that it became the strongest in the Union. The first textbook law in this state was enacted. Frequent changes in the text-books in use and the exorbitant price charged for them had long made such legislation desirable. Improvements in successive acts have made the one passed in 1911 one of the best to be found upon this subject. But the able and progressive character of his administration did not forestall the necessity of making a strenuous campaign for re-election. He received 298,528 votes and Jerome C. Kearby, the Populist candidate, 238,692 votes—the largest vote ever polled against the Democratic party in Texas; it was also the last formidable opposition offered; each succeeding election has shown a decrease in the total vote of opposing parties. In his second inaugural Governor Culberson said, "The campaign through which we have just passed was the most virulent and vindictive in our history. . . . To have passed uninjured in character through that storm of malice and hate and political depravity and received decisive expression of the faith of a great people is to me unpurchasable and priceless. . . . But above personal indorsement and vindication is the distinctive triumph here of the great party to which most of us belong, and the assurance of good government for the state. Whether the one shall be enduring and the other perpetuated through that agency may be influenced by your deliberations. Broadly speaking, what is demanded to further these results is that we act uprightly with the people. Not a single promise of legislation which we have made should go unredeemed, and no substantial public interest be disregarded. In a still larger and nobler sense, the ambition of all should be the advancement and the grandeur of Texas. Glorious in her infancy, rich in her later memories, splendid in her present achievement, and limitless in promise and in future, she offers exhaustless material for the betterment of mankind and the building of a mighty commonwealth."



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